

**(1) CHAPTER 1**  
**TOWN BOARD MEETINGS**

- 1.01 Meeting Time and Date
- 1.02 Order of Business
- 1.03 Presiding Officer
- 1.04 Ordinances and Resolutions
- 1.05 General Rules
- 1.06 Suspension of Rules
- 1.07 Village Powers

1.01 MEETING TIME AND DATE.

- (1) Regular Meetings. Regular meetings of the Town Board of the Town of Waterford shall be held on the Second Monday of each calendar month and shall commence at 6:00 PM. . Any regular meetings falling on a legal holiday shall be held the next secular day at the same hour and place. The regular monthly meeting, does hereby adopt Section 118.163 of the Wisconsin Statutes, as amended, including any and all dispositions available under said section of the Wisconsin Statutes.
- (2) Special Meetings. Special meetings of the Town Board may be called by the Town Chairman, or by any two supervisors of the Town by filing a request with the Clerk at least 24 hours prior to the time specified for the meetings or upon such lesser notice in the event of an emergency. The Clerk shall immediately notify each supervisor of the time and purpose of the meeting. The notice shall be delivered to each supervisor. Special meetings may be held without notice when all members of the Board are present, or consent in writing to the holding of the special meeting, provided the same is in compliance with Wisconsin's Open Meeting Law. No business shall be transacted at a special meeting, except for the purpose stated in the notice thereof. **In the event a special meeting is requested of an individual other than the Town Board and said meeting is called, there will be a charge of \$50.00 per board member in attendance, including the secretary, payable by the requestor.**
- (3) Place of Meetings. All meetings of the Town Board, including special and adjourned meetings, shall be held in the Waterford Town Hall, unless otherwise noted by the Town Clerk.
- (4) Quorum. Any three supervisors shall constitute a quorum for the transaction of business.

## 1.02 ORDER OF BUSINESS.

The business of the Town Board shall be conducted in the following manner:

- (1) Call to order by presiding officer.
- (2) Reading, correction and approval of minutes taken at previous meetings.
- (3) Reports of Town Officers; communications and other business
- (4) Planning Board recommendations/ Old Business
- (5) New Business, including introduction of ordinances and resolutions.
- (6) Other matters properly before the Board.

### 1.03 PRESIDING OFFICER.

- (1) Control of Meeting. The Town Chairman shall preserve order and conduct the proceedings of all meetings and hearings, whether on petition or regular or special meetings. A member may appeal from the decision of the presiding officer; such appeal is not debatable and must be sustained by a majority of the members present, exclusive of the presiding officer. Unless required by law, the Town Chairman shall determine what matters shall be placed on the meeting's agenda.
- (2) Absence of Chairman. If the Town Chairman is absent at any meeting, the Clerk shall call the meeting to order and preside until the Board selects a supervisor to preside for that meeting.
- (3) Participation in Debate. The presiding officer may speak upon any question or make any motion.
- (4) Presiding Officer to Vote. The presiding officer shall have a vote as a supervisor on all questions properly before the Board. In his discretion, the presiding officer may decline to vote unless it is necessary to break a tie.
- (5) Committee Appointments. The Town Chairman shall designate and appoint all members of standing and special committees hereafter established by the Town Board and shall designate the chairman of any such committee. All committee appointments except designation of chairman shall be subject to confirmation by a majority vote of the Board.

#### 1.04 ORDINANCES AND RESOLUTIONS.

- (1) Ordinances, resolutions, bylaws, and other matters submitted to the Board shall be read by title and author and referred to the appropriate committee, if any, by the Chairman. The Clerk shall read and record each such reference by title. Any supervisor may require the reading in full of any such matter at any time it is before the Board. No ordinance, resolution or by law shall be considered unless it is presented and introduced in writing by supervisor. Unless requested by a supervisor before final vote is taken, no ordinance, resolution or bylaw need be read in full. Any ordinance, resolution or bylaw introduced in writing by any supervisor as above stated may be adopted by the Town Board at the same meeting it was introduced by a majority vote of all the Town supervisors.
- (2) Publication and/or posting of ordinances shall be in compliance with applicable statutes.

## 1.05 GENERAL RULES.

- (1) Order and decorum, deliberations of the Board, and decisions on all questions of order and conduct in the proceedings of Town Meetings shall be in accordance with the parliamentary rules contained in Robert's Rules of Order Revised, unless otherwise provided by statute or these rules. No person other than a member shall address the Board, except by vote of a majority of the members present or permission of the Chairman. No ordinance, resolution or other motion shall be discussed or acted upon unless it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the same and the person seconding it.

## 1.06 SUSPENSION OF RULES.

- (1) These rules or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of the majority of the members present.

#### 1.07 VILLAGE POWERS.

- (1) The Town Board shall have the authority to exercise all powers relating to Villages and conferred on Village Boards by Chapter 61 of the Wisconsin Statutes, excepting such power the exercise of which would conflict with the Statutes relating to Towns and Town Boards. Such authority is derived from the Wisconsin Statutes.



## **(2) CHAPTER 2**

### **OFFICIALS**

2.01 Elected Officials

2.02 Appointed Officials

2.03 General Regulations Governing Town Officials

2.04 Election Officials

2.05 Elections

2.06 Police Department

2.07 Municipal Judge

## 2.01 ELECTED OFFICIALS.

### (1) Election of Officials.

(A) Pursuant to Section 60.30 of the Wisconsin Statutes, there shall be elected in the Town of Waterford, the following officials: five (5) Town Supervisors, one of whom shall be designated on the ballots as Town Chairperson. The terms of the members of the Town Board shall be staggered and for a term of two (2) years each, so to cause elections to be held in both even and odd numbered years, all pursuant to statute.

(B) There shall be elected, as set forth in this Chapter, a Municipal Judge.

(C) Except as otherwise provided, no person shall hold an elected Town Office if such a person is a full or part-time employee of the Town of Waterford, nor shall a person hold the offices of Treasurer and Assessor at the same time.

(2) Candidates for the elective Town offices shall be nominated as provided for under Section 8.05(3) of the Wisconsin Statutes, at a non-partisan primary through the use of nomination papers. The nomination papers shall: be signed by not less than twenty (20) nor more than one-hundred (100) electors of the Town; be circulated no sooner than December 1 preceding the election; be filed with the Town Clerk not later than 5 o'clock p.m. the first Tuesday in January, or the next day if Tuesday is a holiday and conform to the requirements set forth in Section 8.20 of the Wisconsin Statutes.

(3) This section only applies to the procedure followed in nominating candidates to elective Town offices and in no way applies to, modifies or changes the present procedure regarding or relating to the time and place of elections, conducting of elections, method of voting for candidates after nominated, balloting, canvassing, or the certification of election results.

## 2.02 APPOINTED OFFICIALS.

- (1) Appointment of Officials. The Town officials hereinafter set forth shall be appointed by the Town Chairperson at the regular meeting of the Town Board in May. Their appointment shall be subject to approval or confirmation by a majority vote of the Town Board members and their terms of office shall be as set forth below following their respective positions. The appointive offices of the Town Clerk and the Town Treasurer shall not exceed a term of 3 years.

Building Inspector	1 year
Electrical Inspector	1 year
Plumbing Inspector	1 year
Health Officer	1 year
Weed Commissioner	1 year
Citizen Member(s) of Planning Commission	Pursuant to 7.01 of this code
Attorney	1 year
Board of Health Member(s)	1 year
Animal Warden	1 year
Town Surveyor	1 year
Town Engineer	1 year

The Town Chairperson shall not vote on the confirmation of appointment, except in cases of a tie vote. All terms shall commence on the 15th day of May following appointment.

- (2) Salaries. Town officials appointed under this section shall receive compensation in an amount from time to time set by the Town Board.

## 2.03 GENERAL REGULATIONS GOVERNING TOWN OFFICIALS.

- (1) Application. The provisions of this section shall apply to all Town officials regardless of the method of selecting the officer or the time of the creation of the office, unless otherwise provided by state statute, ordinance or resolution of the Town Board.
- (2) Oath. Every Town official, except those under section 2.02, including members of the Town Board and Town Commissions, shall, before entering upon his/her duties and within five (5) days of his/her election or appointment or notice thereof, take the oath of office if prescribed under applicable provisions of the Wisconsin Statutes. All officials, except the Town Clerk and Municipal Judge, shall file their oaths in the office of the Town Clerk. The Town Clerk shall file his/her oath in the office of the Town Treasurer, and the Municipal Judge shall file his/her oath with the Clerk of the Circuit Court for Racine County as provided for under Section 19.01(4)(c) of the Wisconsin Statutes. Any person re-elected or re-appointed to the same office shall take and file the official oath for such office in the same manner. The Town Clerk shall notify any Town official at his/her election or appointment within five (5) days of the election or appointment. The Town Board, by majority vote of its members, may waive the requirement of an official oath for any of the appointed officials specified under subsection 2.02(1) of this section, unless it is otherwise required by state law.
- (3) Bond. If required under Section 60.31 of the state statutes, the Town official shall, upon entering the duties of his/her office, file a bond in an amount fixed by the Town Board. If no sum is fixed, the bond shall be in an amount equal to the sum of the bond filed by the last incumbent to hold the office. Official bonds shall be approved by the Town Chairperson and shall be conditioned upon the official's faithful performance of the duties of office. Whenever the Town Board deems any bond insufficient it may require an additional bond to be made and filed within a time period of not less than ten (10) days, in a sum to be fixed by it. Bonds shall be filed in the same manner as oaths as provided above.
- (4) Failure to File Oath or Bond. Any person elected or appointed to a Town office who fails or neglects to file an oath or bond in the manner or within the time required by this section or state law shall be deemed to have refused to serve in office.
- (5) Vacancies. Vacancies in elective Town offices shall be filled by appointment pursuant to a majority vote of the Town Board for the remainder of the unexpired terms. Vacancies in appointed offices shall be filled in the same manner as the original appointment.

- (6) Outside Employment. No full-time official or full-time employee of the Town of Waterford shall engage in any other remunerative employment within or outside of the Town if it interferes or conflicts, with the official's or employee's ability to perform his duties in an efficient or unbiased manner. Violation of this provision shall be grounds for removal from office of any such official or employee.
- (7) Duties. Elected or appointed officials and employees of the Town shall perform those duties prescribed by this code, the applicable Wisconsin Statutes pertaining to Town officials; and any additional duties or responsibilities from time to time created, established or directed by the Town Board.
- (8) Eligibility for Employment and Appointive Offices.
- (A) In order to be eligible for full-time employment with the Township of Waterford, the applicant must have been a resident of an area consisting of an 25 mile radius with the Town Hall the center of the radius at the time of making an application.
- (B) In order to be eligible for appointment to any appointive office or membership of any board or commission in the Township of Waterford, the applicant must have been a full-time resident of the Township of Waterford prior to his/her appointment. This requirement does not apply to the Town Clerk, Town Treasurer or Town Assessor unless required by State Law.
- (C) The eligibility requirement stated in (2) may be waived for good cause by 3/5 vote of the Town Board.
- (D) In the event that any employee or appointed official or member of any board or committee ceases to have his or her residency as required, said employee or official shall immediately lose his/her employment or capacity as a Town official or membership of a board or commission.
- (E) The above eligibility requirements do not apply to any employee or official or member of a board or commission presently employed by the Township of Waterford or presently serving in an official capacity or as a member of a board or commission.

(2) Property Assessment

As part of the Budget Adjustment Act, 1997 Wisconsin Act 237, a number of significant changes regarding property tax assessment appeals and Board of Review procedures were enacted, and at Section 279 (K) of Wisconsin Act 237, Section 70.47 (7) (of) of the Wisconsin statutes was created. In Section 70.47 (7), Wis.Stats., requires that the municipality provide by ordinance for the

confidentially of information about income and expenses that is provided to the Assessor under Section 70.47 (7), Wis. Stats. And shall provide exceptions for persons using the information in the discharge of duties imposed by law or of the duties of their office or by order of the court.

Whenever the Assessor, in the performance of the Assessor's duties requests or obtains income and expense information pursuant to Section 70.47 (7), Wis. Stats., or any successor statute thereto, then, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that said information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official of the Assessor office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under Section 70.47 (7), unless a court determines that it is inaccurate, is, per Section 70.47 (7)(af), not subject to the right of inspection and copying under Section 19.35 (1), Wis. Stats.

## 2.04 ELECTION OFFICIALS.

### (1) Appointment.

(A) There shall be such inspectors for each polling place at each election held within the Town of Waterford, as required by State Statute. Where voting machines are used the number of inspectors may be reduced to five (5). Each inspector or election official shall be a qualified elector of the Township, able to read and write the English language understandingly, and not be a candidate to be voted for at the election.

(B) As provided for under Section 7.30(1) of the Wisconsin Statutes, the Town Chairperson shall nominate to the Town Board, no later than its last regular meeting in December of each even-numbered year, the necessary election officials. The Town Board shall immediately approve or disapprove of the nominees. If not approved by the Board, the Town Chairperson shall submit another name.

(2) Oath. Within five (5) days after appointment of the election officials the Town Clerk shall notify each appointee of his/her appointment. After the mailing of such notice the appointee shall be given ten (10) days to file an official oath of office with the Town Clerk.

(3) Term of Office and Compensation. The election officials shall hold office for two (2) years and until their successors are appointed and qualified. They shall serve at every primary, general, municipal and special election held within the Township during their term. A reasonable compensation shall be paid to each inspector, such compensation to be set from time to time by the Town Board.

(4) Duties. Each election official shall perform those duties set forth under Section 7.37 of the Wisconsin Statutes, together with any other duties or responsibilities prescribed by the Town Board.

(5) Vacancies. Vacancies in election official positions shall be filled in the manner provided for under 7.30(2)(B) of the Wisconsin Statutes.

## 2.05 ELECTIONS.

- (1) Registration of Voters. As a condition of voter eligibility, residents must register to vote in accordance with applicable provisions of the Wisconsin Statutes. The Town Clerk shall have control of elector registration within the Township and may appoint persons from time to time to assist in the registration of voters. The Clerk and employees shall give all necessary and required notice of registration, and shall supply sufficient registration forms in compliance with the Wisconsin Statutes.
- (2) Opening and Closing of Polls. The polls shall be opened at 7 o'clock A.M. and closed at 8 o'clock P.M.; however, the Town Board may extend the time during which the polls shall remain open to an hour not in conflict with Wisconsin State Law. Notice of any change in the above shall be given as prescribed by law, Sec 985.02 of the Wisconsin Statutes.



## 2.06 POLICE DEPARTMENT.

- (1) Creation. There is hereby established within the Town of Waterford a police department which shall consist of one (1) Chief of Police and such other officers as determined by the Town Board.
- (2) Chief of Police. A Chief of Police shall be in charge of the police department and shall run and operate such department subject to the provisions of this Municipal Code, the lawful orders of the Town Board, and the directives of the Wisconsin Statutes.
  - (A) Duties. The Chief of Police, in compliance with the provisions of this section, shall: Cause the public peace to be preserved; see that all of the Town's ordinances and State laws are enforced and obeyed; see that all rules and regulations governing the police department are obeyed; and, whenever any violations of Town ordinances or state laws come to his attention, cause a requisite complaint to be made and see that all available evidence is procured and safeguarded for the prosecution of the offender or offenders. In addition, the Chief of Police shall be responsible for the efficiency and conduct of the Police Department and shall be empowered to make rules and regulations toward the fulfillment of that responsibility. The Chief of Police shall also be responsible for establishing procedures for the inventory of evidence procured by the prosecution of offenders, as well as providing the Town Prosecutor with a quarterly report of evidence provided and/or destroyed.
  - (B) Regulation of Department. The Chief of Police, shall regulate and assign the hours and duties for each of the Department's members, and shall promulgate rules for the Department.
  - (C) Deposit of Penalty and Costs. The Chief of Police may, whenever in his opinion circumstances require it, accept or receive from any person who has been accused and arrested for violating any Town ordinance, a deposit of money or bond in an amount not to exceed the maximum penalty that may be imposed for such violation, plus costs, and may release the person from arrest until the subsequent convening of the Municipal Court. In each case, the Chief or his designee shall issue a receipt for the deposit of funds. If the person arrested fails to appear before the Court, either personally or by authorized agent or attorney, at the time fixed for hearing, the money deposited shall be retained and used for payment of the forfeiture imposed by the Court and cost of prosecution. The balance remaining after such payment, if any, shall be remitted to the depositor and evidence of the remittance shall be filed with Police records. If such person is acquitted, the entire amount deposited shall be refunded. The Town shall in no case be liable for any money so deposited. No member of the Police Department

shall furnish bail for any person arrested by this Department. The Chief shall file verified reports of all moneys received and disbursed by him under this section with officials designated by the Town Board, on such dates as the Town Board may require. The Chief may empower any member of this department to accept such deposits.

- (D) Sale of Property. The Town of Waterford, by joint action of at least one board member and the Chief of Police, providing there is no conflict with State Law, may sell or keep any and all items obtained lawfully through the police department, provided thirty (30) days has passed from the date upon which the property was received and documented by the police department and further provided that every reasonable effort has been extended to find the owners of the property and that all investigations and court actions concerning the property have been terminated. All moneys realized from the sale of the property shall be turned over to the Town Treasurer to be put in general funds.
- (E) Records. The Chief of Police shall cause a record to be kept of all complaints and applications calling for the services of the Police Department, and shall also cause to be made, a daily record of all violations of law and other data from time to time prescribed by the Town Board.
- (F) Hours of Duty. The normal hours of duty and vacation time for the Chief of Police shall be set by necessity and okayed by the Town Board. The Chief shall be on duty for as many hours as are necessary to enable him to properly supervise and participate in the work of the Department. The normal hours of duty and vacation time for police officers, other than the Chief of Police, shall be set by the Chief of Police.
- (G) Other Employment. The Chief of Police shall devote as much time and attention to the business of the department as is necessary. He may hold other employment provided the other employment in no way conflicts with his status as a police officer and does not hinder the performance of his duties.
- (H) Reports. The Chief of Police shall file with the Town Board all reports the Board may reasonably require.
- (3) Sergeant of Police Department. There shall be a sergeant of the Police Department who shall be the superior officer to all other subordinates exclusive of the Chief of Police or any acting Chief of Police.
- (4) Salaries. Salaries of the members of the Police Department, except the Chief, shall be determined and set by Union Contract.
- (5) Uniforms. All uniforms are provided pursuant to Union Contract.

- (6) Qualifications and Examinations. All qualifications and examinations required for employment as a police officer for the Township of Waterford shall be established and administered by the Town Board or the Designee.
- (7) Appointments, Suspension and Removal. All members of the Police Department, including the Chief of Police, shall be appointed, promoted, suspended, dismissed or reduced in rank by the Town Board. The recommendation of the Chief of Police shall be considered in any of these matters where an officer other than the Chief is involved. Any member of the Department may be suspended or removed by the Chief or the Town Board during said officer's first year (first year to be described as 2,080 hours) of service, without cause or as otherwise established.

## 2.07 MUNICIPAL JUDGE.

- (1) Creation. Pursuant to Section 755.02 of the Wisconsin Statutes the Town of Waterford hereby creates and establishes a Municipal Court and the office of Municipal Judge. A municipal Judge shall be elected at the time and in the manner provided for under applicable Wisconsin Statutes and pursuant to Wisconsin Statute 755.02, the term of office of the Municipal Judge shall be a four(4) year term.
- (2) Regulations Governing Office. The provisions set forth in Section 2.03 of this chapter shall apply to the office of Municipal Judge. The salary paid to the Municipal Judge shall be in lieu of fees and costs unless otherwise established by the Town Board, and no salary shall be paid for any time served until the Judge has executed and filed his/her official oath, and bond. The oath and bond shall be in the form as indicated in section 757.02 of the Wisconsin Statutes and shall be filed with the Clerk of the Circuit Court for Racine County.
- (3) Jurisdiction. The Municipal Judge or Court shall have jurisdiction as set forth under Sections 755.045 and 755.05 of the Wisconsin Statutes, which includes exclusive jurisdiction over actions to impose forfeitures for any violations of the provisions of this Code, unless the action is transferred under applicable provisions of the Wisconsin Statutes to a court of record.
- (4) Procedure. The Court established under this section shall be known as the Municipal Court of the Town of Waterford and shall be opened and in session at such times as determined by order of the Municipal Judge. Court shall be held at the Town Hall and all forfeitures, fines and costs collected by the Municipal Judge in any action before him/her shall be paid over to the Town Treasurer as directed by the Town Board.
- (5) Contempt/Incarceration. The Municipal Judge can allow a maximum incarceration of (7) days, or such other maximum time period as may be allowed by State Statues.
- (6) Other. In all other cases regarding Municipal Court, the Judge and the Court shall abide by Wisconsin State Statutes.
- (7) Restitution.
  - (A) The municipal court, in addition to ordering payment authorized by law, may order a defendant to make full or partial restitution to any victim or, if the victim is deceased, to his or her estate if the court finds all of the following:
    1. The defendant is guilty of violation an ordinance that prohibits

conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both.

2. The violation resulted in damage to the property of or physical injury to a person other than the defendant.

(B) Restitution ordered under this section is enforceable in a civil action by the victim named in the order to receive restitution. A court may not order a defendant to pay more than \$4,000 in restitution under this section. This \$4,000 limit does not apply to restitution ordered for violation of and ordinance that prohibits conduct that is the same as or similar to the conduct prohibited by s.943.24 or 943.50.

(C) If the violation resulted in damage to or loss or destruction of property, the restitution order may require that the defendant do one of the following:

1. Return the property to the owner or owner's designee.
2. If return of the property under part 1. is impossible, impractical or inadequate, pay the owner or owner's designee, subject to the \$4,000 limit in sub. (B), the reasonable repair or replacement cost of the greater of the following:
  - a. The value of the property on the date of its damage, loss or destruction.
  - b. The value of the property on the date judgment is rendered, less the value of any part of the property returned, as of the date of its return. The value of retail merchandise shall be its retail value.

(D) If the violation resulted in physical injury, the restitution order may require that the defendant do one or more of the following, subject to the \$4,000 limit in sub. (B):

1. Pay an amount equal to the cost of necessary medical and related professional services and devices relating to physical, psychiatric or psychological care and treatment.
2. Reimburse the injured person for income lost as a result of the violation.
3. If the injured person's sole employment at the time of the injury was performing the duties of homemaker, pay an amount sufficient to reimburse the person for any payments made to another to perform those duties from the date of the injury and to ensure that the duties are continued until the person is able to resume performance of the duties.

(E) The restitution order may require that the defendant do one or more of the following subject to the \$4,000 limit in sub. (B):

1. Pay all special damages, but not general damages, including, but without limitation because of enumeration, the money equivalent of loss resulting from property taken, destroyed, broken or otherwise

harmful and out-of-pocket losses, such as medical expenses, substantiated by evidence in the record, that could be recovered in a civil action against the defendant for his or her conduct in the commission of the violation.

2. Pay an amount equal to the income lost, and reasonable out-of-pocket expenses incurred, by the person against whom the violation was committed as a result of the commencement of the action or of cooperation in the investigation and prosecution of the violation.
3. If justice so requires, reimburse any insurer, surety or other person who has compensated a victim for a loss otherwise compensable under this section.

(F) In the court orders that restitution be paid to more than one person, the court may direct the sequence in which payments are to be made. The court shall order that all restitution to victims be made before restitution to other persons. If more than one defendant is ordered to make payments to the same person, the court may apportion liability between the defendants are jointly and severally liable, the court shall distribute any overpayments so that each defendant, as closely as possible, pays the same proportion of the ordered restitution.

(G) Restitution ordered under this section does not limit or impair the right of a victim to sue and recover damages from the defendant in a civil action. The fact that restitution was required or made is not admissible as evidence in that civil action and has no legal effect on the merits of the civil action. Any restitution made by payment or community service shall be set off against any judgment in favor of the victim in a civil action arising out of the facts or events that were the basis for the restitution. The court trying that civil action shall hold a separate hearing to determine the validity and amount of any setoff asserted by the defendant.

(H) The court, in determining whether to order restitution and the amount thereof, shall consider all of the following:

- a. The amount of loss suffered by any victim as a result of the violation.
- b. The financial resources of the defendant.
- c. The present and future earning ability of the defendant.
- d. The needs and earning ability of the defendant's dependents.
- e. Any other factors which the court deems appropriate.

If the court finds that the conditions in sub. (A) are met, the court may hold the restitution hearing at the time of any appearance by the defendant before the court or may summon the defendant to appear to determine if restitution shall be ordered. The court shall give the victim an opportunity to present evidence and arguments pertaining to the factor specified in par. 1.a. The court shall give the defendant the opportunity to present evidence and arguments on the

factors specified in par. 1. The victim has the burden of demonstrating by the preponderance of the evidence the amount of loss sustained as a result of the violation. The defendant has the burden of demonstrating by the preponderance of the evidence the factors specified in par. 1. b. to e. When hearing evidence as to the factors specified in par. 1, the court may waive the rules of practice, procedure, pleading and evidence, except provisions relating to privileged communications and personal transactions or communication with a decedent or mentally ill person.

**(3) CHAPTER 3**  
**TRAFFIC CODE AND REGULATIONS**

- 3.01 State Traffic Statutes Adopted
- 3.02 State Act Adopted
- 3.03 Speed Limits on Township Roads
- 3.04 Parking Limitations
- 3.05 Weight Limitations
- 3.06 Noise Limitations
- 3.07 Erection of Signs and Signals
- 3.08 Enforcement



### 3.01 STATE TRAFFIC STATUTES ADOPTED.

Unless otherwise specifically stated in this chapter, the following Wisconsin statutory provisions describing and defining regulations regarding vehicles and traffic, together with all amendments, revisions and modifications thereto (including any provisions therein relating to penalties or the punishment to be imposed for violations) are hereby incorporated into the Municipal Code of the Town of Waterford and made a part of this chapter. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter accordingly. The Department of Transportation promulgated under Chapter 110,347 or 348 Wisconsin Statutes availed itself the right to enforce traffic regulations in strict conformity along with any amendments thereto and forfeitures expressed therein.

Incorporated Sections Prefixed by Number Three (3):

#### TRAFFIC CODES

- 3.23.33(2) Registration of All Terrain Vehicles
- 3.23.33(3) Rules of Operation of All Terrain (a-h) Vehicles
- 3.340.01 Words and Phrases Defined
- 3.341.01 Words and Phrases Defined
- 3.341.04 Operating Unregistered or Improperly Registered Vehicle
- 3.341.05 When Vehicle Exempt from Registration
- 3.341.07 Certain Vehicles to be Registered by Resident Lessee
- 3.341.08 Application for Registration
- 3.341.11(4) Display of Registration Certificates
- 3.341.15 Display of Registration Plate
- 3.341.16 Issuance of Duplicate Plate
- 3.341.51 Registration of Dealer, Distributor, Manufacturer or  
Transporter
- 3.341.55 Penalty for Misuse of Plates
- 3.341.62 False Evidence of Registration
- 3.341.63(3) Surrender of Plates Upon Suspension
- 3.342.01 Words and Phrases Defined
- 3.342.05 Certificate of Title Required
- 3.342.06 Application for Certificate of Title
- 3.342.15 Transfer of Interest in a Vehicle
- 3.342.16 Transfer to or from Dealer
- 3.342.30(3) Assignment and Stamping of New Identification Numbers
- 3.342.31 Report of Stolen or Abandoned Vehicle
- 3.342.33 Sale of Vehicle Used as Taxicab
- 3.342.34 Destruction of Vehicles
- 3.343.01 Words and Phrases Defined
- 3.343.05 Operators to be Licensed
- 3.343.10 Occupational License
- 3.343.12 School Bus Operators to Obtain Special License

- 3.343.18 License to be Carried
- 3.343.19 Duplicate Licenses
- 3.343.22 Notice of Change of Address or Name
- 3.343.305(15) Refusal to Submit to Chemical Test
- 3.343.35 Surrender of License Upon Revocation, Cancellation or Suspension
- 3.343.44 Driving After License Revoked or Suspended
- 3.343.45 Permitting Unauthorized Persons to Drive
- 3.343.46 Renting Vehicles
- 3.344.01 Words and Phrases Defined
- 3.344.45 Surrender of License and Registration Upon Suspension
- 3.344.46 Transfer of Ownership to Defeat Financial Responsibility
- 3.344.47 Operating Vehicle After Suspension or Revocation of Registration
- 3.344.51 & 3.344.52 Financial Responsibility for Rented 3.344.52 Vehicles
- 3.345.01 Words and Phrases Defined
- 3.345.55 Traffic Officers Not to Profit from Arrests
- 3.346.01 Words and Phrases Defined
- 3.346.02 Applicability of Chapter 346
- 3.346.03 Authorized Emergency Vehicle
- 3.346.04(1)(2) Obedience to Traffic Officer, Signs and Signals
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3.349.106.(l)(c)

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3.941.30      Recklessly Endangering Safety

### 3.02 STATE ACT ADOPTED.

Chapter MVD 5, Act 175 of the Wisconsin Laws of 1983, as amended, describing and defining regulations regarding the standards for motor vehicle equipment, together with all amendments, revisions and modifications thereto (exclusive of any provision therein relating to penalties or the punishment to be imposed for violations) is hereby incorporated by reference and made a part of this chapter. Any person violating any of the provisions therein shall be fined not more than Five Hundred Dollars (\$500.00). For a failure to pay the same person may be imprisoned in the County Jail for a period not to exceed twenty(20) days.

### 3.03 SPEED LIMITS ON TOWNSHIP ROADS.

The established speed limits as set forth under Sections 346.57 through 346.595 of the Wisconsin Statutes are modified in compliance with Section 346.595 of the statutes as follows:

- (1) Empire Lane - 25 MPH from its intersection with Kramer Drive westerly and southerly for a distance of 0.43 of a mile.
- (2) Elm Island Drive - 25 MPH from its intersection with Kramer Drive northerly and westerly for a distance of 1.13 miles.
- (3) Northlake Drive - 35 MPH from its intersection with State Highway 164 easterly for a distance of 0.40 of a mile.
- (4) Northlake Drive - 40 MPH from its intersection with Highway 164 westerly to its intersection with North Tichigan Road.
- (5) Northlake Drive - 40 MPH from a point 0.20 of a mile south of its intersection with North Tichigan Road, southerly, westerly and northerly for a distance of 2.20 miles.
- (6) Fox River Road - 25 MPH from a point 0.40 of a mile south of its intersection with North Tichigan Road northerly to a point 0.25 of a mile north of the intersection.
- (7) Fox River Road - 25 MPH from a point 0.25 of a mile north of its intersection with North Tichigan Road, northerly for a distance of 0.40 of a mile.
- (8) Rivermoor Drive - 25 MPH from a point 0.15 of a mile north of its intersection with State Trunk Highway 20, northerly and easterly to its intersection with Riverside Road.
- (9) Waterford Drive - 25 MPH from its intersection with Waterford Drive, southerly to the north corporate limits of the Village of Waterford.
- (10) Riverside Road - 25 MPH from its intersection with Waterford Drive, southerly to the north corporate limits of the Village of Waterford.
- (11) Loomis Road – 35 MPH from the limits of the Village of Waterford north to Highway 164.
- (12) Loomis Road – 25 MPH South of Kramer Road and to the boundaries of the Village of Waterford



- (13) Grand Drive - 25 MPH from its intersection with Buena Park Road easterly for a distance of 0.65 of a mile.
- (14) Beach Drive - 25 MPH from a point of 100 feet east of its intersection with Burma Road, westerly for a distance of 0.45 of a mile.
- (15) West Peninsula Road - 25 MPH within Town of Waterford limits.
- (16) East Peninsula Road - 25 MPH within Town of Waterford limits.
- (17) Territorial Drive - 35 MPH from its intersection with Caldwell, easterly to its intersection with Pleasant Road.
- (18) Hickory Hollow Road - 25 MPH from its intersection with Buena Park Road, northwesterly for a distance of 0.31 of a mile.
- (19) Red Oak Lane - 25 MPH from its intersection with Hickory Hollow road, southwesterly for a distance of 0.15 of a mile.
- (20) Sunset Drive - 25 MPH from its intersection with Rivermoor Road, northerly to its intersection with Oak Drive.
- (21) Oak Drive - 25 MPH from its intersection with Sunset Drive, easterly to its intersection with Riverside Road.
- (22) Sunburst Court - 25 MPH from its intersection with Maple Road, easterly and northerly for 0.65 of a mile.
- (23) Caldwell Road - 25 MPH from its intersection with County Trunk L, northerly to its intersection with Craig Road.
- (24) North Lake Road - 40 MPH from its intersection with Fox River road to Hwy 164.
- (25) Prospect Road - 25 MPH from its intersection with Riverside Road, westerly to its intersection with Buena Park Road.
- (26) Buena Park Road - 35 MPH from its intersection with Prospect Drive southerly to its intersection with Highway 20/83.
- (27) North Lake Drive - 35 MPH from its intersection with State Hwy 164 easterly to its intersection with Townline Road.
- (28) State Trunk Highway 20 - 35 MPH from its intersection with Waterford Drive, westerly to a point 250 feet west of its intersection with Buena Park Road, westerly for a distance of 3,000 feet.

- (29) Buena Park Road - 35 MPH for that portion south of State Trunk Highway 20
- (30) Raab Drive - 35 MPH from its intersection with Fox River Road, easterly to its intersection with Halverson Road.
- (31) Kramer Drive - 35 MPH from its intersection with Loomis Road, westerly to its intersection with North Riverbay Road.
- (32) Beach Drive - 35 MPH from its intersection with Highway 164 westerly to its intersection with Burma Road.
- (33) Beach Drive - 25 MPH from its intersection with Burma Road, westerly to its intersection with Canal Lane.
- (34) Beach Drive – 25 MPH from its intersection with State Highway 164 to Heidelberg Circle.
- (35) Marsh Road - 35 MPH from its intersection with Waukesha County Line south to the first bridge South of Bridge Road.
- (36) Bridge Road - 45 MPH from its intersection with Conservation Road west to Marsh Road. 25 MPH from Conservation Road, on Fox River Road to North Lake Drive.
- (37) Kramer Drive - 35 MPH from its intersection with Hwy 164, west to North River Bay.
- (38) Halverson Road - 25 MPH from Raab Road to its intersection with North Lake Drive.
- (39) Marsh Road-35 MPH from Bridge Road to the Waukesha County Line
- (40) Honey Creek Road-45 MPH from its intersection with State Hwy 20 to its intersection with State Hwy 83.
- (41) Hill Valley Rd-45 MPH from the westerly limits of the Township to its intersection with State Hwy 83.
- (42) Grand Drive – 25 MPH from 31000 Grand Drive to 30500 Grand Drive
- (43) Mamerow's Lane – 25 MPH

Any and all residential streets in the Town of Waterford 25 MPH unless otherwise posted.

Any rural highways in the Town of Waterford, 55 MPH unless otherwise posted.

The Town of Waterford adopts all current and new State traffic laws that the Town is authorized to by adopt by State Statute.

### 3.04 PARKING LIMITATIONS.

There will be no parking on any roadways or right-of- ways in the Town of Waterford where prohibited by official signs.

### 3.05 WEIGHT LIMITATIONS.

- (1) Unless otherwise stated, all roads, streets, highways and alleys within the Town of Waterford are hereby designated as "Class B" highways and the weight limitations established in Section 348.16 of the Wisconsin Statutes, including any revisions, amendments or modifications of the same, are applicable thereto.

### 3.06 RECKLESS USE OF A VEHICLE.

- (1) No person shall make unnecessary and annoying noise with a motor vehicle, by squealing tires, excessively accelerating engine, or by emitting unnecessary and loud muffler noises. Any person violating this subsection shall be fined no less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00), plus the costs of prosecution. Upon failure to pay the same, the person may be committed to the County Jail for a period not to exceed twenty(20) days.
- (2) No person shall operate a snow vehicle or any other recreational vehicle such as, but not limited to, a dirt bike, trail bike or water bike, without a functioning muffler or in a manner that creates unreasonable or excessive combustion noises. Any person violating this subsection shall be fined not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00) plus the costs of prosecution. Upon failure to pay the same, the person may be committed to the County Jail for a period not to exceed twenty(20) days.

### 3.07 ERECTIONS OF SIGNS AND SIGNALS.

- (1) The Town of Waterford Police Department is hereby authorized and directed to establish appropriate standard traffic signs, signals and markings in conformance with rules and regulations of the State Department of Transportation and applicable State Statutes. Signs shall be procured, erected and maintained as authorized by the Town Board at such locations and in a manner sufficient to give adequate warning to users of the street, road, highway or alley in question.
- (2) All "Advertising" signs, and all "For Sale" signs, including "Open House" signs, shall not be placed within the right-of-way on any public roads within the Township of Waterford for longer than a 24 hour time period and all "Open House" signs must be removed no later than one (1) hour from the completion of any "Open House" showing.
- (3) All "Open House" signs, no matter where placed, shall be erected no sooner than 23 hours prior to any "Open House" and shall be removed no later than one (1) hour after the completion of any "Open House" showing.

Failure to comply with this Ordinance subjects the owner of the property shown or realty company involved to a forfeiture not to exceed \$50 for each day of the violation.

### 3.08 ENFORCEMENT.

- (1) Commencement of Action. It shall be the duty of all officers of the Police Department to enforce the provisions of this chapter. In pursuit of proper and efficient enforcement, each officer is hereby authorized to commence an action on behalf of the Town for any violation of these provisions by making and filing a complaint that alleges the particular violation; and appear and testify on behalf of the Town concerning the violation.
- (2) Direction of Traffic. When necessary the officials of the Police Department are hereby authorized to direct all traffic, either in person or by means of visible or audible signals, in conformance with the provisions of this chapter.
- (3) Bond or Cash Deposit. Upon arresting a person for a violation of any of the provisions in this chapter, the arresting officer acting on behalf of the Town is authorized to receive a deposit of money or bond equivalent to money in the amount not to exceed the amount of the maximum forfeiture that may be imposed upon conviction or such other amount as the Municipal Judge may fix in setting up a "Bail Bond Schedule." Upon making such a deposit or furnishing the bond, the accused may be released until the time fixed for the hearing of the action. If the person arrested and released fails to appear personally, or by agent or attorney, before the Court at the time fixed for hearing, the money or its equivalent deposited by the accused shall be retained and used for payment of the forfeiture and costs after an ex-parte hearing concerning the alleged violation is held by the Judge. The excess, if any, shall be returned to the person making the deposit. If the accused is found "not guilty" the entire amount of the deposit shall be refunded.
- (4) In the event that an individual is determined by the Municipal Court, to be in violation of any of the Code provisions contained in this Chapter and a forfeiture is assessed against said individual and said forfeiture remains unpaid for a period of 60 days after said forfeiture is due, the Municipal Court may, as an alternative to payment, suspend the individual's driver's license for a period not to exceed 5 years, or incarcerate said individual in the County Jail for a period not to exceed 90 days. Any period of incarceration contained in this Chapter not in conformity with this subsection shall be deemed modified to conform to this subsection.
- (5) Handling of Forfeitures. The Town official accepting forfeited penalties under this chapter shall deposit the funds received in the Town account designated for such purpose at least once every seven (7) days.



## **(4) CHAPTER 4**

### **BOATING**

4.01 Purpose

4.02 Applicability and Enforcement

4.03 State Statutes Adopted

4.04 Definitions

4.05 Prohibited Operations

4.06 Speed Restrictions

4.07 Intoxicated Boating

4.08 Travel Restrictions

4.09 Littering

4.10 Penalty

#### 4.01 PURPOSE.

The purpose of this section is to provide safe and healthy conditions for the enjoyment of aquatic recreation consistent with public rights and interest and the capability of the water source.

#### 4.02 APPLICABILITY AND ENFORCEMENT.

The provisions of this section shall apply to the waters of Lake Tichigan and the Fox River and the Fox River Impoundment within the jurisdiction of the Town of Waterford and shall be enforced by the Town Police Department.

#### 4.03 STATE STATUTES ADOPTED.

The Town Board hereby adopts Chapter 30 of the Wisconsin Statutes and also the following Wisconsin statutory provisions describing and defining regulations regarding water traffic, water safety, boats, boating and related water activities, together with all amendments, revisions and modifications thereto (exclusive of any provisions therein relating to penalties or punishment to be imposed for a violation of the statutes) are hereby incorporated into the Municipal Code of the Town of Waterford and made a part of this chapter.

Incorporated Sections prefixed by number four (4):

##### BOATING

4.30.50	Definitions
4.30.51	Operation of unnumbered motorboats prohibited
4.30.52	Certificates of number
4.30.523	Identification number to be displayed on boat
4.30.541	Transfer of boat titles
4.30.549	Transfer of boats with certificate of title, certificate of number or registration
4.30.55	Notice of abandonment or destruction of boat or change
4.30.60	Classification of motorboat
4.30.61	Lighting equipment
4.30.62	Other equipment
4.30.635	Motorboat prohibition
4.30.64	Patrol boats
4.30.65	Traffic rules
4.30.66	Reasonable and Prudent operation
4.30.67	Accidents and accident reports
4.30.68	Prohibited operation
4.30.69	Water skiing
4.30.70	Skin diving
4.30.71	Boats equipped with toilets
4.30.74	Additional functions of DNR

#### 4.04 DEFINITIONS.

- (1) "Swimming Zone" means an authorized area marked by regulatory markers to designate a swimming area.
- (2) "Designated Anchorage" means an area of water established and marked as an anchorage by lawful authority.
- (3) "Public Access" means any access to the water by means of public property.
- (4) "Navigation Lane" means an area designated by authorized aids to navigation.
- (5) "Slow-no-wake" means the slowest possible speed at which one can still maintain steerage.

#### 4.05 PROHIBITED OPERATIONS.

- (1) Contests. No person shall operate a motorboat on waters within the Town in a contest of speed or maneuverability, unless the contest or race is authorized by the Town Board.
- (2) Water Sports Activities
  - (A) On Saturdays, Sundays and recognized Legal Holidays, boats shall be allowed only one (1) towline for the purpose of pulling no more than two(2) persons involved in water sports activities, nor shall more than two(2) persons allow themselves to be pulled by a motor boat operator
  - (B) On weekdays, boats shall be allowed no more than two(2) towlines for the purpose of pulling no more than a total of four(4) persons involved in water sports activities, nor shall more than four(4) persons allow themselves to be towed by a motorboat operator.
  - (C) All downed or dropped persons and water sports equipment shall be picked up immediately.
- (3) Seaplanes. Except under Subsection (4), no aircraft capable of landing or taking off on water shall be permitted to land or take off from the waters of Tichigan Lake or the Fox River, within the Township of Waterford.
- (4) Exceptions to Seaplane Prohibitions. The following shall be exempt from the seaplane prohibition:
  - a. Emergency landings and take-offs.
  - b. Search and rescue aircraft.
  - c. Law enforcement aircraft.
  - d. Medical transport aircraft.
  - e. Any other aircraft that the Town Board may from time to time permit.

#### 4.06 SPEED RESTRICTIONS.

Speed to be Reasonable and Prudent. No person shall operate a motorboat at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing. The speed of a motorboat shall be so controlled as to avoid colliding with any object lawfully in or on the water or with any person, boat or other conveyance in or on the water in compliance with legal requirements and exercising due care.

Fixed Limits. In addition to complying with the above, no person may operate a motorboat at a speed in excess of the posted notice as established by regulatory markers.

Prohibited Operation. Except under s. 30.69(3), no person may operate a motorboat within 100 feet of any dock, raft, pier or buoyed restricted area on any lake at a speed in excess of slow-no-wake speed.

(1) For Tichigan Lake and the Fox River, including the area commonly referred to as the "Tichigan Marsh", a maximum speed of 15 miles per hour is established from sunset to 9:00 PM. From 9:00 PM until sunrise the following day, a slow-no-wake speed shall be established. Slow-no-wake is defined as a speed at which a boat moves as slowly as possible while still maintaining steerage control. Such speed restrictions shall commence at 12:01 AM on April 1<sup>st</sup>, and shall continue in effect until 12.01AM., November 1<sup>st</sup>.

(2) A slow-no-wake area is established in the waters of the Fox River in the Township of Waterford at the following locations:

S.N.W. Buoy located at 8500 Fox River Rd.  
S.N.W. Buoy located at 8400 Fox River Rd.  
S.N.W. Buoy located at 8300 Fox River Rd.  
S.N.W. Buoy located 100 yards N. of iron bridge of Bridge Dr.  
S.N.W. Buoy located 100 yards S. of iron bridge of Bridge Dr.

(3) Five (5) S.N.W. Buoys located 600 feet E. of W. shore on Tichigan Conservation marsh. Said buoys placed 200 feet from each other.

(4) A "slow-no-wake" (a speed at which a boat moves as slowly as-possible while still maintaining steerage contro) is established in Section 26 of the Township of Waterford, at the following locations:

S.N.W. Buoy 25' E. of Island 200' W of shoreline  
S.N.W. Buoy 50' N. of Island 200' W of shoreline  
Both above buoys N of Elm Island Circle  
S.N.W. Buoy 25' S. of shore of Elm Island Drive

- S.N.W. Buoy 25' E. of entrance to channel at Elm Island Drive
- (5) A "slow-no-wake" area is established in the waters of Tichigan Lake within the jurisdiction of the Township of Waterford at the following locations:

S.N.W. Buoy 100' E. of boat launch at Dooley's Resort  
S.N.W. Buoy 50' E. of N. end of Island 400' W. of Irma Lane  
S.N.W. Buoy 100' S. of Island 300' N. of Canal Lane  
S.N.W. Buoy 100' W. of boat launch W. of Beechwood Lane  
S.N.W. Buoy 100' W. of 29121 White Oak Lane

- (6) The area known as Buena Lake

1. N 42 Deg 47.057'  
W 88 Deg 13.078'
2. N 42 Deg 47.043'  
W 88 Deg 13.135'
3. N 42 Deg 47.150'  
W 88 Deg 13.189'
4. N 42 Deg 47.181'  
W 88 Deg 13.205'
5. N 42 Deg 47.446'  
W 88 Deg 13.233'
6. N 42 Deg 47.443'  
W 88 Deg 13.228'
7. N 42 Deg 47.532'  
w 88 Deg 13.134'
8. N 42 Deg 47.438'  
W 88 Deg 13.047'

- (7) The area known as Conservation Lake

1. N 42 Deg 48.516'  
W 88 Deg 13.790'
2. N 42 Deg 48.522'  
W 88 Deg 13.790'
3. N 42 Deg 48.693'  
W 88 Deg 13.825'



4. N 42 Deg 48.693'  
W 88 Deg 13.907'
5. N 42 Deg 48.751'  
W 88 Deg 13.927'
6. N 42 Deg 48.961'  
W 88 Deg 13.606'
7. N 42 Deg 48.967'  
W 88 Deg 13.596'
8. N 42 Deg 48.964'  
W 88 Deg 13.465'
9. N 42 Deg 48.971'  
W 88 Deg 13.355'
10. N 42 Deg 48.979'  
W 88 Deg 13.112'
11. N 42 Deg 48.962'  
W 88 Deg 12.977'

(8) In Tichigan Lake

1. N 42 Deg 48.540'  
W 88 Deg 12.858'
2. N 42 Deg 48.552'  
W 88 Deg 12.923'
3. N 42 Deg 48.556'  
W 88 Deg 12.941'
4. N 42 Deg 48.672'  
W 88 Deg 12.953'
5. N 42 Deg 48.722'  
W 88 Deg 12.931'
6. N 42 Deg 48.794'  
W 88 Deg 12.887'
7. N 42 Deg 48.854'

- W 88 Deg 12.770'  
8. N 42 Deg 48.48.870'  
W 88 Deg 12.752'
9. N 42 Deg 48.946  
W 88 Deg 12.666'
10. N 42 Deg 48.017'  
W 88 Deg 12.558'
11. N 42 Deg 49.099'  
W 88 Deg 12.572'
12. N 42 Deg 49.211'  
W 88 Deg 12.577'
13. N 42 Deg 49.382'  
W 88 Deg 12.134'
14. N 42 Deg 49.379'  
W 88 Deg 12.121'
15. N 42 Deg 49.329'  
W 88 Deg 12.055'
16. N 42 Deg 49.272'  
W 88 Deg 12.065'
17. N 42 Deg 49.185  
W 88 Deg 12.109'
18. N 42 Deg 49.062'  
W 88 Deg 12.253'
19. N 42 Deg 49.043  
W 88 Deg 12.262'
20. N 42 Deg 49.931'  
W 88 Deg 12.372'
21. N 42 Deg 48.923'  
W 88 Deg 12.375'
22. N 42 Deg 48.861'  
W 88 Deg 12.402'
23. N 42 Deg 48.788'

W 88 Deg 12.390'

24. N 42 Deg 48.683'  
W 88 Deg 12.460'

25. N 42 Deg 48.665'  
W 88 Deg 12.577'

26. N 42 Deg 48.618'  
W 88 Deg 12.592'

27. N 42 Deg 48.587'  
W 88 Deg 12.719'

28. N 42 Deg 48.527'  
W 88 Deg 12.728'

These slow-no-wake areas are also shown on maps on file with the Town Clerk and incorporated by reference in this ordinance.

(9) A 50 mile per hour speed limit is hereby established for the waters known as Tichigan Lake and the Fox River (including that area commonly referred to as the Tichigan Marsh).

(10) In the event of violation of the above, a forfeiture shall be imposed in conformance with Section 30.80 of the Wisconsin Statutes.

(A) The Town of Waterford shall be responsible for the insertion, removal, replacement and maintenance of any buoys, and shall be responsible for enforcement of this ordinance.

#### 4.07 INTOXICATED BOATING

The Town hereby adopts Section 30.681 of the Wisconsin Statutes, as amended.

#### 4.08 BOATING TRAVEL RESTRICTIONS.

- (1) All boats, while operating on the Fox River shall stay to the right side of said River while proceeding northerly or southerly on said River. Boats traveling to and from ports of call on said river shall be exempt from such travel restrictions.
- (2) From the hours of 12:01 A.M. Saturday mornings to 11:59 P.M. Sunday evenings and on all recognized legal holidays from 12:01 A.M. to 11:59 P.M. on such holidays, all boats traveling on Tichigan Lake shall proceed in a counter-clockwise direction.
- (3) Any individual violating any subsection of 4.07 shall be subject to the penalties as found in 4.10.

#### 4.09 LITTERING.

No person shall deposit, place or throw any cans, papers, bottles, debris, refuse, garbage, solid or liquid waste on or into any lake or river within the Town of Waterford.

#### 4.10 PENALTY.

Any person violating any provision of this Chapter, or any Wisconsin Statute incorporated herein by reference, shall forfeit not less than Ten (\$10.00) dollars nor more than an amount allowable under the State Statutes, plus the costs of prosecution, assessments, or other costs, subject, however, to any specific forfeiture limitations imposed by this Chapter or the Wisconsin Statutes. Upon failure to pay said forfeiture and costs imposed by the Municipal Court, such person may be imprisoned in the County Jail for a period not to exceed 90 days or have his or her driver's license suspended for a period not to exceed 5 years. For a violation of Section 30.68 of the Wisconsin Statutes, incorporated herein, the violator may be required to satisfactorily complete the safety course established under Section 30.74(1) of the Wisconsin Statutes, incorporated here.

**(5) CHAPTER 5**

**PUBLIC HEALTH, SAFETY AND GENERAL WELFARE**

- 5.01 State Criminal Laws Adopted
- 5.02 Control of Dogs
- 5.03 Hydrophobia or Rabies
- 5.04 Garbage in Streets
- 5.05 Weeds and Grasses
- 5.06 Public Nuisances
- 5.07 Discharge of Hazardous Substances
- 5.08 Controlled Substances
- 5.09 Drug Paraphernalia
- 5.10 Alcoholic Beverage in Public Places
- 5.11 Minors
- 5.12 Fires and Smokes
- 5.13 Firearms
- 5.14 Throwing Stones and Other Objects
- 5.15 Sale and Discharge of Fireworks Restricted
- 5.16 Destruction of Property and Trespass
- 5.17 Curfew
- 5.18 Emergency Government
- 5.19 Town Board of Health
- 5.20 Recyclable Materials - Special Charges
- 5.21 Storage of Ice Shanties



5.22 Potbellied Pig

5.23 Keeping of Certain Animals

5.24 Penalty

## 5.01 STATE CRIMINAL LAWS ADOPTED.

Unless otherwise specifically stated in this chapter, the following Wisconsin statutory provisions describing and defining regulations regarding certain misdemeanors, together with all amendments, revisions and modifications thereto (exclusive of any provisions therein relating to penalties or punishments to be imposed for a violation of the statutes) are hereby incorporated into the Municipal code of the Town of Waterford and made a part of this chapter. Any act required to be performed or prohibited by any statute incorporated by reference is required or prohibited by this chapter accordingly.

### Public Health, Safety and General Welfare

5.125.08(3)(A)(1)	Makes, Alters, Duplicates, I. D. Cards
5.125.08(3)(A)(2)	Fraud in Obtaining Card
5.125.11(1)	Penalties for Violations of Ch. 176
5.125.68(6)	Furnish Liquor at Public Auction
5.125.68(8)	Diluted Liquor
5.167.31(2)(b)	Placing, Possessing or Transporting Weapons/Firearms in vehicle
5.939.32	Attempted Battery and Petty Theft
5.940.19	Battery
5.940.20	Battery, Special Circumstances
5.941.01	Negligent Operation of Vehicle
5.941.10	Negligent Handling of Burning Material
5.941.12	Interfering with Fire Fighting
5.941.13	False Alarms
5.941.20(1)(a-c)	Reckless Use of Weapon
5.941.20(1)(d)	Shoot Within 100 Yards of Dwelling
5.941.23	Carrying Concealed Weapon
5.941.24	Possession of Switchblade Knife
5.943.01	Damage to Property
5.943.07	Criminal Damage to Railroad
5.943.11	Entry into Locked Vehicle
5.943.125	Entry into Locked Coin Box
5.943.15	Entry into construction site/building/dwelling/room
5.943.20(1-3(a))	Theft
5.943.21(1-3(e))	Fraud on Innkeeper
5.943.23	Operating Vehicle without Owner's Consent
5.943.24	Issuance of worthless check
5.943.34(1)	Receiving Stolen Property
5.943.35	Alteration of Property ID Marks
5.943.41(2)(3)(a-d) and (4)(b)	Credit Card Crimes
5.943.46	Theft of Cable/TV Service
5.943.50(1-4(a))	Retail Theft
5.944.15	Fornication
5.944.17	Sexual Gratification

5.944.20	Lewd and Lascivious Behavior
5.944.30	Prostitution
5.944.31	Patronizing Prostitutes
5.944.33	Pandering
5.944.36	Solicitation of Drinks
5.945.02	Gambling
5.945.04	Premises Used for Commercial Gambling
5.945.07	Gambling by Participants in a Contest
5.945.08(2)	Bribery by Participants in a Contest
5.946.32	False Swearing
5.946.40	Refusing to Aid Officer
5.946.41	Resisting or Obstructing Officer
5.946.42	Escape
5.946.44	Assisting or Permitting Escape
5.946.46	Encouraging Violations of Probation or Parole
5.946.49(1)(a)	Bail Jumping
5.946.67	Compounding Crime
5.946.69	Falsely Assuming to Act as a Public Officer or Employee
5.946.70	Impersonating a Police Officer
5.946.72	Tampering with Public Notices
5.946.73	Violate Rule of State or County Institution
5.946.74(1)	Aiding Escape from Mental Institution
5.946.75	Denial of Right to Counsel
5.947.01	Disorderly Conduct
5.947.012	Unlawful use of Telephone
5.947.013	Harassment
5.947.02	Vagrancy
5.947.04	Drinking in Common Carriers
5.947.06(1-4)	Unlawful Assembly
5.951.01	Crimes Against Animals
5.951.02	Mistreating Animals
5.951.03	Dognapping and Catnapping
5.951.04	Leading Animals from Motor Vehicle
5.951.05	Transporting in a Cruel Manner
5.951.06	Expose to Poison Mixed with Food
5.951.07	Use of Certain Devices
5.951.08	Instigate Fights Between Animals
5.951.09	Shooting at Caged or Staked Animals
5.951.10	Sale of Baby Rabbits, Chicks, etc.
5.951.11	Sale/Display of Colored Animals
5.951.13	Failure to Provide Food and Drink to Caged Animals
5.951.14	Providing Proper Shelter
5.951.15	Abandon Animals
5.951.16	Investigation of Cruelty Complaints
5.951.17	Fraud Claim as Victim of Crime

5.948.51

Hazing

## 5.02 CONTROL OF DOGS.

### (1) Definitions.

- (A) "Dog" shall mean all domesticated members of the canine family.
  - (B) "Owner" shall mean any person owning, harboring or keeping a dog.
  - (C) "Vicious" shall mean a dog which assaults or attacks a person while that person is within the Town except as allowed by law in matters of defense of property or persons. It shall also mean a dog with a propensity to attack or bite persons without provocation whether the persons are on public or private property; such propensity must be known or ought to have reasonably been known to the owner.
  - (D) "At Large" shall mean to be off the premises of the owner. A dog shall not be considered at large if:
    - 1. It is attached to a leash, not more than 12 feet in length and of sufficient strength to restrain the dog, provided the leash is held by a person able to control the dog.
    - 2. It is properly restrained within a motor vehicle.
    - 3. It is not more than 6 feet from its owner or its owner's agent or other person competent to govern said dog at such distance, provided that said dog is not unreasonably annoying any person or trespassing on private property.
  - (E) "Unlicensed Dog" shall mean any dog not licensed in accordance with Chapter 174 of the Wisconsin Statutes.
  - (F) "Kennels" shall mean any establishment wherein or whereon dogs are kept solely for breeding or sale of where dogs are boarded for any other commercial purposes.
- (2) State Statutes Adopted. Chapter 174, Wisconsin Statutes, together with all amendments, additions and changes thereto, exclusive of any penalties, is adopted by reference and made a part of this chapter so far as is applicable.
- (3) Licensing of Dogs. It shall be unlawful for any person in the Town of Waterford to own, harbor or keep a dog more than 6 months of age without complying in all respects with the provisions of Chapter 174 of the Wisconsin Statutes, relating to listing, tagging and licensing of dogs. If licenses, as required by Section 174.05 of the Wisconsin Statutes, are not obtained before February 28th of the calendar year, a charge of \$30.00 will be levied

in addition to the regular license fee. The Town Board hereby appoints the Town Clerk as the collecting official for dog license fees and taxes.

(4) Dog at Large.

- (A) No person shall own, harbor or keep any dog that is habitually at large within Town limits or that habitually pursues any persons or vehicles upon highways, streets or alleys within the Town.
- (B) No person, other than the owner of a dog or the owner's agent, shall set a dog at large by opening any door or gate of any private premises, or otherwise enticing or enabling any dog to leave any private premises.
- (C) Any dog found to be at large shall be deemed to be so with the permission of and at the sufferance of its owner.
- (D) Costs for pickup of impounded animal.
  - a. A \$15.00 service charge shall be paid by the owner of a licensed dog impounded at the Town Hall kennel prior to the animal's release.
  - b. A \$25.00 service charge shall be paid by owner of an unlicensed dog impounded at the Town Hall kennel prior to the animal's release.
  - c. No animal shall be released prior to its being licensed along with payment of all applicable fees.
  - d. Prior to an animal being released, the owner shall, in the event the animal is sheltered more than 4 hours, pay \$15.00 per day or fraction thereof for the costs of care of the animal.

(5) Keeping of Vicious or Barking Dogs.

- (A) It shall be unlawful for any person to knowingly keep, own or harbor any vicious dog or any dog that frequently or habitually barks, yelps or howls.
- (B) Whenever any dog, upon the complaint of any person residing within the Town of Waterford, is found to be fierce or dangerous or in the habit of biting, snapping or threatening any person or persons, or is in the habit of attacking other domestic animals, the dog must, after service of a written notice by a health officer or a police officer, be removed from the Town or destroyed by the owner within 72 hours, or in the alternative the dog must be kept enclosed within the premises of the owner. The premises in which the dog is enclosed shall bear a plainly displayed sign at every entrance sufficient to give warning of the dog's presence. It shall be unlawful to remove the warning sign while any dog is confined within the enclosure.

- (6) Property Damage by Dog. No person shall permit a dog to go upon any public area, private land or premises without the permission of the owner of the land or premises. Nor shall the dog be permitted to break, bruise, tear up, crush or injure any object upon the public area, public lands or premises, or to defecate thereon.
- (7) Manner of Keeping Dog. All pens, kennels or other structures wherein any dog is kept shall be reasonably constructed so that they may be easily cleaned and kept in good repair and shall be maintained in such a manner as not to cause or create a health hazard.
- (8) Kennels. In areas where kennels, as defined in Section 174.001 of the Wisconsin Statutes, are permitted, no kennel shall be located closer than 1000 feet to the boundary of the nearest adjacent residential lot.
- (9) Limitation on Number of Dogs Kept. No person or family residing within any restricted area of the Town as defined in subsection (E) of this section, shall keep more than three (3) dogs on the premises occupied by that person or family, with the exception of a litter of pups, which may be kept for not more than five (5) months from their date of birth.
- (10) Impounding; Repossession; and Disposal.
  - (A) Every Police Officer, Health Officer, Humane Officer or representative of the Department of Public Works finding a dog at large or otherwise in violation of this section, or knowing of any unlicensed dog at large, shall have the authority to impound the dog in the place provided by the Town of Waterford or by the Racine County for such purpose.
  - (B) If any dog has been impounded for 15 days and not reclaimed by its owner, the dog may be disposed of in the most humane manner by the police or by a Town designee. Notice of intended disposal shall be given to the owner of the impounded dog at least 24 hours before disposal if such ownership is known by the authorities in possession of the dog.
- (11) Report of Impounded or Killed Dog. Any person or officer who kills or impounds a dog shall, after the delivery of the dog or its carcass to the Town Police Department, make a report and submit it to the Town Clerk. The report shall state when and under what conditions the person or officer seized or impounded or killed the dog and shall contain the name of the owner of such animal, if known.

### 5.03 HYDROPHOBIA OR RABIES.

- (1) As provided for and in accordance with the provisions under Section 95.21 of the Wisconsin Statutes, any police officer of the Town shall order quarantined or kenneled, any dog or cat which he reasonably believes from its appearance or conduct to be infected with rabies.
- (2) Any person who suspects that a dog or cat is infected with rabies shall report his or her suspicions to the police or health authorities and shall describe the animal and give the name of the owner, if known. Upon demand the dog or cat shall be delivered to the police or health authorities, and if upon medical examination the animal shall prove in fact to be infected with rabies, it shall be disposed of by the police or health authorities.
- (3) During such time that the Town or any part thereof is quarantined for rabies pursuant to section 95.21 of the Wisconsin Statutes, all dogs within the area quarantined shall be kept securely confined, tied, leashed or muzzled. Any dog not confined, tied, leashed or muzzled is declared a public nuisance and may be impounded by any police officer or health officer.
- (4) No person shall knowingly keep or harbor any dog or cat infected with rabies or any such animal known to have been bitten or scratched by a dog or cat known to have been infected with rabies.
- (5) Any owner or person keeping or harboring a dog or cat within the Town which has bitten or scratched a person, provided the bite or scratch lacerates or penetrates the skin of the person bitten or scratched, shall immediately report such fact to the Police Department or health officer and shall keep the dog or cat in confinement for not less than 14 days after the incident occurred or for such period of time as the health officer directs. If the dog or cat shows signs of illness, lameness or paralysis during the period of confinement, the owner or keeper shall immediately report the animal's condition to the Police Department or health officer. Upon demand the owner or keeper shall surrender it to the Police Department for medical examination. The costs of any medical examination performed under this section shall be paid by the owner.
- (6) Any dog or cat required to be kept in confinement under subsection (5) of this section shall not be removed from its restricted area except to be placed under the care of a veterinarian. Any dog or cat so confined shall not be allowed to return to community living until it has been examined by a veterinarian and the veterinarian certifies that the dog or cat exhibits no signs of rabies. Upon its removal from confinement, the veterinarian shall render a report regarding disposition of the animal to the Town Police Department.



#### 5.04 GARBAGE IN STREETS

- (1) It shall be unlawful for any person to deposit or cause to be deposited on a public or private highway and/or roadway within the Town of Waterford any garbage, offal, ashes, rubbish, refuse, junk, cinders, earth, carcasses, manure, or any animal or vegetable waste from any source whatsoever.
- (2) For the purpose of this section, the terms "rubbish" and "refuse" shall mean paper, rags, wood, glass, crockery, packing materials, tree branches, yard trimmings, used furniture, bedding, tin cans, discarded articles and machinery, and all other household and business waste not classified as garbage under section 144.01 of the Wisconsin Statutes.
- (3) It shall be unlawful for any person, firm or corporation, who is not a bonafide resident of the Town of Waterford, to dump or cause to be dumped any garbage or refuse as defined in this Chapter on, in, or upon any area used by the Town as a Town dump.
- (4) It shall be unlawful for any person to dump or cause to be dumped, any substance or materials not acceptable to the manager of the Town dump.
- (5) It shall be unlawful for any person to place by the roadside for garbage collection, any garbage bags, boxes, recycle bins, or other items intended to be picked up for garbage collection or recycling purposes, more than 24 hours prior to the scheduled time for pick-up and/or not to return same to the proper storage location within 24 hours after pick up. Upon violation of this subsection, the person shall pay a forfeiture of no less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00). For failure to pay the same such person shall be imprisoned in the County Jail for a period not to exceed 8 days.
- (6) Pursuant to Section 60.60(16) of the Wisconsin Statutes, that trash/garbage removal charges shall be entered onto the respective real estate tax bills within the Township of Waterford, commencing with tax year 1992.

## 5.05 WEEDS AND GRASSES.

- (1) Destruction of Noxious Weeds. Every person in the Town of Waterford shall destroy all noxious weeds on all lands which he owns, occupies or controls by lease or otherwise. The term "destroy" shall mean the complete killing of weeds or the killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, pasturing livestock, or any or all of these in an effective combination, at such time and in such manner as to effectually prevent such plants from maturing to the bloom or flower state of growth.
- (2) Definition. Noxious weeds as used in this section include Canadian thistle, leafy spurge, field bindweed (creeping jenny), western ragweed, and any other such weeds as the Town Board or the Racine County Board may by ordinance or resolution, declare to be noxious.
- (3) Notice. The Town Chairman shall annually on or before May 15th, cause to be posted in at least 3 public places in the Town of Waterford and published at least once a week for 2 consecutive weeks in a newspaper having general circulation in the Town, a notice that every person is required by law to destroy all noxious weeds as defined in this section, on lands in the Town which he owns, occupies or controls.
- (4) Enforcement. It shall be the duty of the Weed Commissioner, appointed as provided in 2.02(1) of this Municipal Code to enforce the provisions of this ordinance in the manner provided for under section 66.98 of the Wisconsin Statutes, hereby incorporated by reference as if fully set forth herein.
- (5) Penalty. Any person violating any of the provisions of this section shall, upon conviction, pay a forfeiture of not more than five hundred dollars (\$500.00) for each day of any such violation, together with the costs of prosecution. Upon failure to pay the fine and costs, such person may be imprisoned in the county jail for a period not to exceed three (20) days.

## 5.06 PUBLIC NUISANCES.

- (1) Public Nuisances Prohibited. No person shall cause, contrive, maintain, permit, erect or continue any public nuisance with the Town of Waterford.
- (2) Definition. A public nuisance is a thing, act, occupation, condition or use of property or person which continues for such length of time to substantially annoy, injure or endanger the comfort, health, repose or safety of the public; render the public insecure in life or in the use of property; greatly offend the public morals or decency; unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water, or other public way or the use of public property.
- (3) Public Nuisances Affecting Health. The following acts, expressly omissions, places, conditions and things are hereby declared to be public health nuisances. Their enumeration herein shall not be construed to exclude other health nuisances coming within the definition of subsection (2) of this section.
  - (A) All decayed, harmfully adulterated or unwholesome food or drink, sold or offered for sale to the public.
  - (B) Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
  - (C) Accumulation of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal, or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
  - (D) All stagnant water in which mosquitoes, flies or other insects can breed or multiply.
  - (E) Privy vaults and garbage cans which are not fly- tight.
  - (F) All noxious weeds and other rank growth of vegetation.
  - (G) Any and all animals running at large in the Town.
  - (H) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust and other atmospheric pollutants within the Town limits in such quantities as to endanger the health of persons with ordinary sensibilities or to threaten or cause substantial injury or depreciation to property in the Town of Waterford.

- (I) The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances of any nature.
- (J) Any use of property, substances, or things within the Town which emit or cause any foul, offensive, noxious or disagreeable odors, gases, effluvia or stenches which are annoying, discomforting, injurious or inconvenient to a reasonable number of persons within the Town.
- (K) All abandoned wells or sewage systems not securely covered or secured from public use.
- (L) Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Town.
- (4) Public Nuisances Offending Morals and Decency. The following acts, omissions, places, conditions and things are hereby declared to be public nuisances offending public morals and decency. The enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of subsection (2) of this section:
  - (A) All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution.
  - (B) All gambling devices, illegal slot machines and punch boards.
  - (C) All places where intoxicating liquors or fermented malt beverages are consumed in violation of the laws of the State of Wisconsin or ordinances of the Town of Waterford.
  - (D) All places where intoxicating liquors or fermented malt beverages are sold, possessed, stored, bottled, manufactured or rectified without a permit or license as provided for by the ordinances of the Town of Waterford.
  - (E) Lewd, obscene or indecent matter.
- 1. Definitions. For purposes of interpreting and enforcing this subsection, the following definitions shall apply:
  - a. "Distribute" means to transfer possession of, with or without consideration.
  - b. "Material" means any printed matter, visual representation or sound recording, including, but not limited to books, magazines, motions

pictures, films, video tapes, pamphlets, newspapers, pictures, photographs, drawings, sculptures and tape or wire recordings.

- c. "Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the areola, or the depiction of covered male genitals in a discernibly turgid state.
  - d. "Performance" means any play, motion picture film, dance or other exhibition performed before an audience.
  - e. "Lewd, Obscene or Indecent" means the average person applying contemporary community standards would find the material or performance appealing to their prurient interest; that it depicts in a patently offensive way, the male or female genitals, sexual conduct, sadomasochistic abuse, sensuality, and that taken as a whole, the material or performance lacks any serious literary, artistic, political or scientific value.
2. Conduct Prohibited. It shall be unlawful for any person to knowingly prepare, publish, print, exhibit, distribute, offer to distribute, or have in his possession with intent to distribute or exhibit any lewd, obscene or indecent material, and to knowingly give, advertise, produce, exhibit or perform in any lewd, obscene or indecent performance in any playhouse, theater, hall or other place within the Town of Waterford.
3. Penalty. Any person violating this subsection shall forfeit not more than one thousand(\$1,000.00 dollars)plus the costs of prosecution. For failure to pay the same such person shall be imprisoned in the County Jail for a period not to exceed twenty (20) days.
- (5) Public Nuisances Affecting Peace and Safety. The following acts, omissions, places, conditions and things are declared to be public nuisances affecting peace and safety. Their enumeration herein shall not be construed to exclude other nuisances that affect public peace or safety and come within the definition of subsection (2) of this section:
- (A) All signs and billboards, awnings, and other similar structures over and near Town roads, streets sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
  - (B) All unauthorized signs, signals, markings or devices which purport to be or may be reasonably mistaken as an official traffic control device placed or maintained upon or in view of any public highway, street, alley, or crossing.

- (C) All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys, or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- (D) No person owning, occupying or having charge of any building, residence or premises, or any part thereof, or any vehicle, shall cause or allow any loud, excessive or unusual noise in the operation or use of any radio, stereo, television or other mechanical device, instrument or machine that will disturb the comfort or repose of the persons therein or in the vicinity. Designated quiet hours (excluding business, M1-M4 zoned districts and town park) are Sunday-Thursday 7:00p.m.-7:00a.m.; Friday 10:00 p.m.-7:00 a.m. and Saturday 10:00 p.m.-8:00 a.m.
- (E) All uses and displays of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Town of Waterford.
- (F) All buildings or structures so old dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human purposes.
- (G) All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface thereof.
- (H) The keeping or harboring of any animal which by its frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Town.
- (I) All obstructions of streets, alleys, highways, or sidewalks and all excavations in or under the same, except as otherwise permitted by this Municipal Code. An obstruction permitted under this code may not be maintained for any unreasonable length of time after its purpose has been accomplished.
- (J) All open, unfenced or unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.
- (K) All buildings, walls or other structures that have been damaged by fire, decay or otherwise to an extent exceeding one-half of their original value and that are so situated as to endanger the safety of the public.
- (L) All abandoned refrigerators, or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside, or which have not been chained or padlocked shut.
- (M) Any unlawful use of property abutting a public street, alley, highway or sidewalk which causes large crowds to gather, and obstruct traffic and the free use of the streets or highways.

(N) Repeated or continuous violations of the Town ordinances or State Statutes relating to the storage of flammable liquids.

(6) Public Nuisances Affecting Property Interests. The following acts, omissions, places, conditions and things are declared to be public nuisances affecting property interests. Those enumerated herein shall not be construed to exclude other nuisances affecting property interests that come within the definition of subsection (2) of this section:

(A) Accumulations of junk so situated as to adversely affect the property interest of other property owners within the Town of Waterford limits. Junk for the purposes of interpreting and enforcing this subsection shall mean, but not limited to the following:

- i. Any old or scrap synthetic, organic or inorganic material, or waste such as tin cans, rope, wire, metal, rubber, bags, cloth, glass, china, crockery, paper, plastic, earth, wood and ashes, inoperable boats, motors, or any parts of all the above.
- ii. Motor vehicles or parts thereof, which have been abandoned, discarded, dismantled, junked, ruined or otherwise not in running condition, and/or not legally operable, including being licensed, upon any public highway in this State.

(B) Motor vehicles shall be exempt from the prohibition set forth in Subsection (A) if the following conditions are met:

- i. Said motor vehicle is in the process of being restored to running condition, including being licensed, and making such motor vehicle legally operable upon any public highway in the State, and;
- ii. Said motor vehicle, while being restored, is completely covered with material constructed of canvas, plastic or any other all-weather type material, properly secured in place, so as to make such covering impervious to wind, rain, and other forces of nature.
- iii. The restoration time period is 6 months. If the vehicle is not restored to a condition making it legally operable upon any public highway in the State and being restored to a running condition within said 6 month period, a citation will be issued.

(C) The restriction on motor vehicles does not apply to motor vehicles stored in those areas of the Township zoned A-1 and A-2 and wherein the motor vehicle is stored more than 400 feet from the public right-of-way and not visible from the public highway.

- (D) Any violation of this ordinance subjects the offender to a forfeiture not less than \$10.00 nor more than \$500.00. Upon failure to pay the same, incarceration shall be had in the Racine County Jail not to exceed 20 days. Each day of violation shall constitute a separate offense.

(7) Removal and Disposition of Roadway Public Nuisances.

Any motor vehicle, trailer, semi-trailer or mobile home situated on a public highway in the Township of Waterford for an unreasonable period of time, or in a manner obstructing traffic constitutes a public nuisance. To protect and preserve public peace and safety any Town employee, Town police officer, Sheriff's deputy, State traffic officer or conservation warden shall have the right to summarily remove such public nuisance to a suitable place of impoundment. Upon removal of the public nuisance, the officer or warden shall notify the Chief of Police of the nuisance and its impounded location.

- (A) Impoundment. Any motor vehicle, trailer, semi-trailer or mobile home in violation of this subsection shall be impounded until lawfully claimed or disposed of in the manner set forth in subsection (B) provided that a duly authorized municipal representative has not determined that the costs of towing and storage would exceed the value of the vehicle. If such a determination has been made, the vehicle constituting the public nuisance may be junked by the Town prior to expiration of the impoundment period upon determination by the Chief of Police, not in conflict with State Statute, that the vehicle is not needed as evidence or for other reasons.

(B) Storage.

1. Any vehicle constituting a public nuisance determined by a duly authorized Town representative to have a value in excess of four hundred(\$400.00) shall be retained in storage for a period of fourteen (14) days after certified mail notice has been sent to the owner and leinholder of record to permit reclamation of the vehicle after payment of accrued charges. Thereafter the Town may dispose of the vehicle by sale as provided by ordinance, not in conflict with applicable statutory provisions.
2. Any vehicle constituting a public nuisance determined by a duly authorized Town representative to have a value of less than four hundred dollars(\$400.00) may be disposed of immediately by direct sale to a licensed salvage dealer upon determination that the vehicle is not reported stolen.

- (C) Disposition. Any vehicle constituting a public nuisance that has a value in excess of four hundred dollars(\$400.00) and has not been reclaimed within the fourteen (14) days provided for under subsection (B)(1) shall be sold to



the highest bidder at public sale ten (10) days after posted or published notice of the sale. All proceeds from its sale shall be applied first to satisfy all reasonable charges incurred by the Town under this ordinance. Any remaining moneys shall be held by the Town Clerk pending their lawful reclamation by the owner and/or leinholder. Within 5 days after the vehicle's sale or disposal the Town shall advise the Motor Vehicle Department of the sale or disposition on a form supplied by the Department.

(D) Responsibility For Costs of Impoundment. The owner of any vehicle constituting a public nuisance, except a stolen vehicle, is responsible for its abandonment and all costs related to its impoundment and disposal. Costs not recovered from a sale of the vehicle may be recovered in a civil action by the Town against the owner. Whether or not the Town recovers the costs of towing and impoundment, it shall be responsible to the towing service for requisitioned towing service and reasonable charges for impoundment.

(E) Penalty. In addition to liability for costs the owner of the motor vehicle which constitutes the public nuisance shall forfeit no less than twenty dollars (\$20.00) nor more than two hundred dollars (\$200.00). For failure to pay the forfeiture the owner shall be imprisoned in the county jail for a period not to exceed eight (8) days.

(8) Abatement of Public Nuisances.

The Town Board hereby adopts Chapter 823 of the Wisconsin Statutes including any and all amendments, revisions and modifications thereto.

(A) Inspection of Premises. Whenever a complaint is made to the Town Chairperson by a private citizen or any official employee of the Town that a public nuisance exists within the Town of Waterford, he/she shall promptly notify the Health Officer, Building Inspector or a police officer who shall, within 24 hours thereafter, inspect or cause to be inspected, the premises or cause upon which such nuisance is alleged to exist and he shall make a written report of his findings to the Town Chairperson. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the Town Clerk.

(B) Summary Abatement. (Notice to Owner) If the inspecting officer or officers determine that a public nuisance does exist within the Town and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Town Chairperson may direct that notice be served on the person causing, permitting or maintaining such nuisance or upon the owner or occupant of the premises where such nuisance exists and to post a copy of said notice on the premises. Such notice shall direct the person causing, permitting or maintaining such nuisance or the owner or occupant of the

premises to abate or remove such nuisance within 24 hours and shall state that unless such nuisance is removed and abated the Town will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be. If the nuisance is not abated within the time provided, or if the owner, occupant, or person causing the nuisance cannot be found, the Health Officer in the case of a health nuisance or the police, in other cases, shall cause the abatement or removal of public nuisance.

- (C) Abatement by Court Action. If the inspecting officer or officers determine that a public nuisance exists on private premises, but the nature of the nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, they shall file a written report of their findings with the Town Chairperson who shall cause an action to abate the nuisance to be commenced in the name of the Town of Waterford in the Circuit Court for Racine County in accordance with the provision of Chapter 823 of the Wisconsin Statutes.
- (D) Other Methods not Excluded. Nothing in this section shall be construed to prohibit the abatement of public nuisances by the Town of Waterford or its officials in accordance with the laws of the State of Wisconsin.
- (E) Costs of Abatement. In addition to any other penalty imposed by this chapter for the causing, contriving, maintaining, permitting, erecting or continuing any public nuisance, the cost of abating a public nuisance by the Town of Waterford shall be collected as a debt from the owner, occupant or person causing, permitting and maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge for tax.

## 5.07 DISCHARGE OF HAZARDOUS SUBSTANCES

- (1) Discharge Prohibited. No person shall discharge or cause to discharge, leak, leach or spill upon any public street, alley or public property or onto the ground, surface waters, subsurface waters, or aquifers, or on any such private property except those areas specifically licensed for waste disposal or landfill activities, within the Town of Waterford, any explosive, flammable or combustible solid, liquid or gas, or any radioactive material at or above nuclear regulatory restriction levels, etiologic agents, or any solid liquid or gas creating a hazard, potential hazard, or public nuisance or any solid, liquid or gas having a deleterious affect on the environment.
- (2) Notification. A person who possesses or controls a hazardous substance and causes an unauthorized discharge of the hazardous substance shall immediately notify the Town Health Officer, Town Clerk or any other Town official, of the discharge.
- (3) Containment, Cleanup and Restoration. A person in violation of subsection (1) shall, upon direction of any Emergency Government Officer or the Town Health Officer, begin immediate actions to contain, clean up, and remove to any approved repository the offending material and take the steps necessary to restore the site to its original condition. If the person fails to take action as required by this section, the Emergency Government Committee or Town health officer or the Town chairperson may order that the required actions be taken by public or private resources and allow the recovery of any and all costs incurred by the Town of Waterford.
- (4) Access to Property. Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to Emergency Government Officers or the Town Health Officer, or Town police officers or the Town chairperson for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.
- (5) Public Protection. Should a prohibited discharge occur that threatens the life, safety or health of the public at or near the site of the discharge and creates a situation so critical that immediate steps must be taken to protect life and limb, the coordinator of Emergency Government, the Town health officer or the senior police official at the scene of the emergency may order an evacuation of the area or take other steps necessary to protect the public.
- (6) Enforcement. All coordinators of Emergency Government, building inspector, any Town police officers and the Town health officers shall have the authority to issue citations for any violations of this ordinance.
- (7) Penalties. A person who violates any of the provisions of this ordinance shall forfeit not less than fifty dollars (\$50.00) nor more than one thousand dollars

(\$1,000.00). For failure to pay the same such person shall be imprisoned in the County Jail for a period not to exceed ninety (90) days. Each and every day of violation shall be considered a separate offense.

- (8) Civil Liability. Any person in violation of this ordinance shall be liable to the Town of Waterford for any and all expenses incurred, including reasonable attorney fees and costs, and loss or damage suffered by the Town of Waterford by reason of violations.

## 5.08 CONTROLLED SUBSTANCES

- (1) Possession Without Prescription. No person shall knowingly possess, keep or maintain any narcotic drugs, marijuana or stimulant, depressant or hallucinogenic drugs, or any substance defined as a controlled substance under the "Uniform Controlled Substance Act" contained in Chapter 161 of the Wisconsin Statutes, unless the substance was obtained directly from or pursuant to, a valid prescription or order of a medical practitioner acting in the course of professional practice, or otherwise authorized under Chapter 161 of the State Statutes.
- (2) Penalty. Any person violating this ordinance shall forfeit no less than seventy five dollars (\$75.00) nor more than five hundred dollars (\$500.00). For failure to pay the same, the person shall be imprisoned in the County Jail for a period not to exceed twenty(20) days.

## 5.09 DRUG PARAPHERNALIA

- (1) Definition. In this section drug paraphernalia means all equipment, products and materials of any kind which are used or solely intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance, as defined in Ch. 161, Wis. Stats., in violation of this section. It includes but is not limited to:
- (A) Kits used or solely intended for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived.
  - (B) Kits used or solely intended for use in manufacturing, compounding, converting, producing, processing or preparing controlled substance.
  - (C) Isomerization devices used or solely intended for use in increasing the potency of any species of plant which is a controlled substance.
  - (D) Testing equipment used or solely intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
  - (E) Scales and balances used or solely intended for use in weighing or measuring controlled substances.
  - (F) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used or solely intended for use in cutting controlled substances.
  - (G) Separation gins and sifters used or solely intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
  - (H) Blenders, bowls, containers, spoons and mixing devices used or solely intended for use in compounding controlled substances.
  - (I) Capsules, balloons, envelopes or other containers used or solely intended for use in packaging small quantities of controlled substances.
  - (J) Containers and other objects used or solely intended for use in storing or concealing controlled substances.
  - (K) Objects used or solely intended for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, including but not limited to:

1. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.
  2. Water pipes.
  3. Carburetion tubes and devices.
  4. Smoking and carburetion masks.
  5. Roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.
  6. Miniature cocaine spoons and cocaine vials.
  7. Chamber pipes
  8. Carburetor pipes.
  9. Electric Pipes.
  10. Air-driven pipes.
  11. Chilams.
  12. Bongs.
  13. Ice pipes or chillers.
- (2) Drug Paraphernalia excludes hypodermic syringes, needles and other objects used or intended for use in parenterally injecting substances into the human body.
- (3) Determination of Drug Paraphernalia. In determining whether an object is drug paraphernalia, a court or other authority shall consider in addition to all other legally relevant factors the following:
- A. Statements by an owner or by anyone in control of the object concerning its use.
  - B. The proximity of the object in time and space to direct violation of this section.
  - C. The proximity of the object to controlled substances.

- D. The existence of any residue of controlled substances on the object.
- E. Direct or circumstantial evidence of the intent of an owner or anyone in control of the object to deliver it to persons whom the person knows intend to use the object to facilitate the violation of this section. The innocence of an owner or anyone in control of the object as to a direct violation of this section shall not prevent a finding that the object is solely intended for use or designed for use as drug paraphernalia.
- F. Oral or written instructions provided with the object concerning its use.
- G. Descriptive materials accompanying the object which explain or depict its use.
- H. Local advertising concerning its use.
- I. The manner in which the object is displayed for sale.
- J. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise.
- K. Whether the owner, or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
- L. The existence and scope of legitimated uses for the object in the community.
- M. Expert testimony concerning its use.

4. Prohibited Activities.

- (A) Possession of Drug Paraphernalia. No person may use, or possess, with intent to use, or possess with the sole intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into a human body, a controlled substance in violation of this section.
- (B) Manufacture or Delivery of Drug Paraphernalia. No person may deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing that it will be solely used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce,



process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into a human body, a controlled substance in violation of this section.

- (C) Exemption. This subsection does not apply to law enforcement personnel, manufactures, practitioners of the medical, surgical or dental professions, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Chapters 161 of the Wisconsin Statutes, including any revisions or amendments to the same.

5. Penalties.

- (A) Any drug paraphernalia used in violation of this section shall be seized and forfeited to the Town.
- (B) Any person who violates subsection (4) shall, upon conviction, be subject to a forfeiture of not more than \$500.00, together with the costs of prosecution, and upon default of payment, be imprisoned in the County jail or house of correction until the costs are paid, but not to exceed 20 days.

## 5.10 ALCOHOL BEVERAGES IN PUBLIC PLACES.

No owner, lessee or person in charge of property shall allow and no person shall have on or about his person, or at any time dispense, sell, open, or consume an alcohol beverage in any non-licensed commercial facility, public place, public street, parkway square, sidewalk, stadium park, beach or camping area, shrine, municipal building, or any drives or parking areas for business in the Town of Waterford, unless the person has an appropriate license or permit provided for under the provisions of this code or a Wisconsin Statute incorporated herein, or unless otherwise waived by the Town Board.

## 5.11 MINORS.

- (1) Delinquency of Minors, Neglect. It shall be unlawful for any person 18 years of age or older to intentionally encourage or contribute to the delinquency or neglect of any child; or for any parent, guardian, or legal custodian to contribute to the delinquency of a child by neglect or disregard of the morals, health or welfare of the child. An act of failure to act for the purpose of this subsection, contributes to the delinquency or neglect of a child although the child does not actually become neglected or delinquent, if the natural and probable consequence of that act or failure to act would cause the average child to become delinquent or neglected.
- (2) Minors, Possession of Intoxicating Liquors and Fermented Malt Beverages. It shall be unlawful for any person who has not reached the age of 21 years, to purchase, receive, or otherwise procure, or have in his possession any fermented malt beverage or intoxicating liquor within the boundaries of the Town.
- (3) Adults Contributing to Minor's Consumption of Alcoholic Beverages. No person 18 years of age or older may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the person or under the person's control, nor intentionally encourage a minor to: procure or attempt to procure alcohol beverages; knowingly possess or consume intoxicating liquor; enter a premises licensed to sell alcohol beverages in violation of 125.07(3)(a) of the Wisconsin Statutes; or falsely represent his or her age for the purpose of receiving alcohol beverages from a licensee or permittee. Any person violating this subsection shall be penalized as prescribed by Section 125.07(1)(4)(6) of the Wisconsin Statutes with respect to the forfeiture imposed therein.
- (4) Exposing Minors to Harmful Materials.
  - (A) Definitions. For purposes of interpreting and enforcing this subsection the definitions contained in Section 5.05(4)(E) and the following definitions shall apply:
    1. "Harmful Material" means any video tape, picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct, sado- masochistic abuse, or bestiality, and which is harmful to minors, or any book pamphlet, magazine, printed matter, however reproduced, or sound recording which contains any of the matter just enumerated, or explicit and detailed verbal descriptions or narrative accounts of sexual

excitement, sexual conduct or sado- masochistic abuse and which taken as a whole, is harmful to minors.

2. "Knowingly" means having general knowledge of, or reason to know, or belief that warrants further inspection of :
  - a. The character and content of any material described herein that is reasonably susceptible to examination; or
  - b. The age of a minor.
3. "Minor" means any person under the age of 18 years.

(B) It shall be unlawful for any person to knowingly distribute or exhibit harmful material to a minor.

(C) Penalty. Any person violating this ordinance shall forfeit not less than fifty dollars (\$50.00), nor more than one- thousand dollars (\$1,000.00) plus the costs of prosecution. For failure to pay the same such person shall be imprisoned in the county jail for a period not to exceed forth(40) days.

(5) Display of Sexually Explicit Pictures, Drawings or Reading Materials and Marital Aid Devices in Establishments Accessible to Minors.

(B) Definitions. For purposes of interpreting and enforcing this subsection the definitions found in subsections 5.07(4) and (5), and the following definitions shall apply.

1. "Marital Aid Devices" shall mean those devices used primarily for sexual stimulation or arousal of the human genitals, pubic region, buttocks, anus or female breast.
2. "Public Display" means the placing, exposing or exhibiting of sexually explicit pictures, drawings, reading materials or marital aid devices in or on a newsstand display rack, window showcase or similar place where the explicit material is easily visible from a public thoroughfare or sidewalk, or in a portion of the interior of any business or commercial establishment to which minors have access.
3. "Sexually Explicit Pictures, Drawings or Reading Materials" means any picture, drawing, book, magazine or newspaper which contains on the cover or interior any photograph, drawing, animation, depiction or other visual representation which lacks any social, literary, artistic, political or scientific value depicting any "specified

anatomical areas" or "specified sexual activities" as hereinafter defined.

4. "Specified Anatomical Areas" means less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below a point immediately above the top of the areola. It shall also mean human male genitals in a discernibly turgid state, even if completely and opaquely covered.
5. "Specified Sexual Activities" shall mean human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual stimulation or arousal, sexual intercourse or sodomy; the fondling or other erotic touching of human genitals, the pubic region, buttocks or female breast; or acts of bestiality.

(B) It shall be unlawful for any person to knowingly put on public display sexually explicit pictures, drawings or reading materials in any business establishment in the Town of Waterford which is accessible to minors, however, such sexually explicit pictures, drawings or reading materials may be displayed behind a check out counter or cash register stand, or adjacent to counters or stands that have no rear access. If the pictures, drawings or reading materials are then visible to customers, they must be displayed on a rack, stand or ledge which has an opaque screen or border of sufficient height so that only the top two (2) inches of the explicit material is visible. This subsection shall not apply to a public display of the following:

1. Any art or photography publication which devotes at least twenty-five per cent (25%) of its lineage to articles and advertisements dealing with the subjects of art and photography.
2. Any news periodicals that report or describe current events, and from time to time publish photography or drawings of nude or semi-nude persons in connection with dissemination of the news.
3. Any publication that describes and reports on different cultures and from time to time publishes photographs or depictions of nude or semi-nude persons when describing cultures in which nudity is indigenous to the population.
4. Any periodical or bonafide educational publication.

(C) Penalty. Any person who violates any of the provisions of this ordinance shall forfeit not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00), plus the costs of prosecution. For failure to pay the same such person shall be imprisoned in the county jail for a period not to exceed twenty(20) days.

(6) Truancy.

- (A) Truancy from school is prohibited.
- (B) Any person who, by an act or by omission, knowingly encourages or contributes to the truancy of another, as defined herein, shall be in violation of this section, whether or not the truant child is adjudicated to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the child to be truant. This section shall not apply to any person who has under his or her control a child who has been sanctioned under Section 49.50(7) of the Wisconsin Statutes.
- (C) For purposes of this section, truancy shall mean any absence of part or all of one or more days from school, during which the school attendance officer, principal or teacher, has not been notified of the cause of such absence by the parent or guardian of any such absent pupil, required to be in attendance at such times, and also shall mean an intermittent attendance which is carried on for the purpose of defeating the intent of section 118.15 of the Wisconsin Statutes.
- (D) Any person violating the provisions of this section shall, upon conviction, be fined not more than \$100.00 and in default of payment, be incarcerated in the Racine County Jail for a period not to exceed four(4) days.
- (E) TRUANCY/SCHOOL DROPOUT: the town board, of the Township of Waterford, at its regular monthly meeting, does hereby adopt Section 118.163 of the Wisconsin Statutes, as amended including any and all dispositions available under said section of the Wisconsin Statutes.

## 5.12 FIRES AND SMOKE

- (1) Open Fires. No person shall kindle, start or permit an open fire to burn in any street or alley, or near any building or wooden structure so that it creates an unreasonable risk of injury or damage to another's person or property. Any person who kindles or starts an open fire shall supervise, or cause to have supervised, the burning of the same until such fire is completely extinguished. For purposes of this section an "open fire" is a fire which is not contained within a burner.
- (2) Contained Fires. Any fire kindled, started, or permitted to burn in such close proximity to any building or wooden structure that it would create an unreasonable hazard if left uncontained, shall be contained in a substantial burner constructed of metal, concrete or brick in such a manner so as to prevent the escape of burning embers. No person shall kindle, start or permit such a contained fire to burn within 10 feet of the building or wooden structure, or in any street or alley.
  - (a) The size of the pile of materials to be burned shall not exceed four feet, by four feet, by three feet high.
  - (b) Burn hours are Monday through Sunday, 12:00 p.m. (noon) to 7:00 p.m.
  - (c) The burning of materials shall constantly be attended and supervised by a competent person at least sixteen years of age until such fire is extinguished. This person shall have readily accessible a garden hose which will provide a flow rate of five gallons per minute and a nozzle capable of spaying ten feet, within a radius of seventy-five feet around the fire or burning activity.
- (3) Burning During Ozone Alerts. No person shall start, kindle or permit any burning at any time during which an ozone alert has been declared by Racine County or the American Meteorological Service.
- (4) Dense Smoke Prohibited. No person shall cause or permit the emission of dense smoke from any premises owned or occupied by such person.
- (5) Bonfires. When starting a bonfire for use of recreation or yard clean-up, it must be regulated under certain conditions. The bonfire must not exceed heights of approximately six feet and widths of approximately six feet in diameter. The bonfire must have someone to supervise in the immediate vicinity at all times as set forth in Sub-section 2(c). The bonfire must be placed in a controlled area, such as a rock fire pit or other type of hole or area suitable for controlling bonfires. There must be a method of extinguishing the bonfire as set forth in Subsection 2(c) within the immediate vicinity of the bonfire. Bonfires cannot be placed near any flammable or other hazardous objects, nor can flammable or hazardous objects be placed near bonfires. The bonfire is not permitted to burn between the hours of 1:00

a.m. and continuing through sunrise the following morning. This ordinance does not apply to reasonable farming use. Failure to comply with this ordinance shall result in a forfeiture not to exceed \$500.00.

- (6) Additional Conditions It shall be unlawful for any person to burn any toxic waste, oil, rubber or rubber products, asphaltic type materials, garbage or trash or any other such related materials which create, by such burning, a smoke or odor nuisance. No burning shall be permitted when the wind velocity exceeds nine (9) miles per hour or local circumstances including, but not limited to, thermal inversions, ozone alerts, and very dry conditions.



## 5.13 FIREARMS.

- (1) Definitions. Firearms shall include any gun, rifle, pistol, air gun, shotgun, spring gun, cannon or other device or type of firearm of any description whatsoever which expels a missile or missiles by some means or element.
- (2) Restrictions on Discharge.
  - (A) It shall be unlawful for any person to discharge a firearm within Town limits, except under the following circumstances:
    1. Peace officers or their deputies, or members of the armed forces may discharge firearms in the performance of their duties.
    2. Any person may discharge a firearm in a lawfully permissible defense of his person.
    3. Any person may discharge a firearm on a clearly defined target range, supervised shooting gallery, state license shooting preserve, or lands owned or leased by the State for hunting purposes, however, no firearms are to be discharged in parking areas or other areas within the above mentioned lands that are marked by signs prohibiting except as provided below.
    4. Any resident of the Town may discharge a firearm while on land upon which he resides, or any person upon land within the Township may discharge a firearm thereon with the express consent or permission of the landowner or resident, subject to the limitations imposed by subsection (2)(B), (2)(C) and (2)(D) of this section.
  - (B) No person shall fire a firearm in any residential, recreational or commercial district within the Town, or within 500 feet of any such district or within 500 feet of any residence or structure used for human habitation, except as provided for under subsection (2)(A)(3) of this section.
  - (C) No person while on the lands of another, shall discharge any type of firearm within 300 feet of any building devoted to human occupancy situated on and attached to the lands of another without the express consent of the owner or occupant of the building.
  - (D) No person shall discharge a firearm within the right-of-way of any State, County or Town highway or road, or in any public park, parking area, or other public area.
- (3) Restriction on Carrying Firearms. No person other than a duly authorized peace officer or deputy shall possess or control a firearm unless the person

falls within an exception listed under subsection (2)(A) of this section or the firearm is unloaded and enclosed in a carrying case, or unless otherwise authorized by law.

5.13 (3)(1)

Pursuant to Chapter 167 of the Wisconsin Statutes, no person shall place, possess or transport a strung or uncased bow or crossbow, a loaded firearm or an uncased firearm in or on a vehicle.

#### 5.14 THROWING STONES AND OTHER OBJECTS.

It shall be unlawful for any person to intentionally or negligently cause an arrow, stone, snowball, missile, projectile, or any other object to be thrown or shot at any person, or into any building, street, alley, sidewalk, highway, park or playground within the Town of Waterford and thereby causing damage to or duly threatening the health, welfare and safety of another's person or property.

#### 5.15 SALE AND DISCHARGE OF FIREWORKS RESTRICTED.

- (1) No person shall use, keep, store, transport, discharge, explode, sell or offer for sale any fireworks within the Town of Waterford, except toy pistol paper caps, sparklers and toy snakes, unless such activity is authorized by a Fireworks Permit provided for under Chapter 6 of this code, or unless such fireworks are otherwise authorized under State Law.

## 5.16 DESTRUCTION OF PROPERTY AND TRESPASS.

- (1) Damage to Property. No person shall willfully injure, intentionally deface, take, unlawfully remove, meddle with or destroy any property of any kind or nature belonging to the Town of Waterford or any of its departments or belonging to any private person or association without the consent of the owner, association or proper authority.
- (2) Trespass to Land.
  - (A) No person shall enter any enclosed or cultivated land of another with intent to catch or kill any birds, animals or fish on the land or gather any products of the soil without the express or implied consent of the owner or occupant to engage in any of these activities; enter or remain on any land of another after being notified by the owner or occupant not to enter or remain on the premises; hunt, shoot, fish or gather any product of the soil on the premises of another, or enter said premises with intent to do any of the foregoing after having been notified by the owner or occupant not to do so.
  - (B) A person has received notice from the owner or occupant within the meaning of this section if he has been notified personally, either orally or in writing, or if the land has been posted. For land to be posted, a sign at least 10 inches square must be placed in at least two conspicuous places for every 40 acres to be protected. The sign must carry an appropriate notice and the name of the person giving the notice followed by the word "owner" if the person giving the notice is the holder of legal title to the land and by the word "occupant" if the person giving the notice is not the holder of legal title but is a lawful occupant of the land. Proof that appropriate signs as herein provided were erected and/or in existence upon the premises to be protected within 6 months prior to the event complained of shall be prima facie proof that the premises to be protected were posted as herein provided. Notice shall include fencing or any other physical structure which would give notice to a reasonable person of the owner's intent to limit access to the property.
  - (C) No person shall erect on the lands of another signs as described in subsection (B) above, without obtaining the express consent of the holder of legal title or of the lawful occupant.
- (3) Trespass to Dwellings. No person shall intentionally enter the dwelling of another person under circumstances tending to create or provoke a breach of the peace.

- (4) Littering. No person shall place, throw, deposit, leave or permit to remain any rubbish, paper, dirt, or filthy substance upon any street, highway, alley, sidewalk, park or public place or ground in the Town of Waterford.

## 5.17 CURFEW.

- (1) No Minor person under the age of 18 years shall be or remain upon any street, alley, sidewalk, waterway, or any other public place, either on foot or in or on a vehicle or boat of any nature in the Town of Waterford between the hours of 12:00 midnight and 5:00 a.m. on Friday and Saturday, and 11 p.m. to 5 a.m. Sunday through Thursday unless such minor is accompanied by a parent or guardian, or other person 18 years of age or older, having the legal custody of such minor. This prohibition does not apply to minors who are returning home from functions authorized by schools, churches or other civic organizations, provided they take the shortest, most direct and expeditious route, not to such minors who are pursuing duties of employment in an orderly manner, provided they use the shortest and most direct route between their home and place of employment when going to and from work.
- (2) No parent, guardian or other person 18 years of age or older having legal custody of a minor person shall knowingly permit the minor to remain upon any street, alley, sidewalk, waterway, or any other public place, either on foot or in or on a vehicle or boat of any nature in the Town of Waterford under circumstances constituting a violation of subsection (1).
- (3) Any minor under the age of 18 years who violates the applicable provision of this section is subject to the provisions of Chapter 48 of the Wisconsin Statutes or applicable local ordinance.
- (4) Every member of the Police Department of the Town of Waterford while on duty, is hereby authorized to detain any minor willfully violating the provisions of this section until the parent or guardian, or person 18 years of age or older having custody of the minor takes the minor into his custody. The police officer shall immediately upon detaining the minor communicate with parent, guardian, or person, 18 years of age or older, who has legal custody of the minor.



## 5.18 EMERGENCY GOVERNMENT.

- (1) Definitions. "Emergency Government" includes "Civil Defense" and means all measures undertaken by or on behalf of the Town to prepare for and minimize the effect of enemy action and natural or man-made disaster upon the civilian population; to effectuate emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such action or disaster. "Civil Defense" means all measures undertaken by or on behalf of the State, County and Municipalities to prepare for and minimize the effects of enemy action up on the civilian population.
- (2) Declaration of Policy. To meet its obligation under Chapter 166 of the Wisconsin Statutes and to prepare the Town of Waterford to cope with emergencies resulting from enemy action and natural or man-made disaster, it is necessary to adopt an effective program of emergency government consistent with the State plan of emergency government provided for in Chapter 166 of the Wisconsin Statutes.
- (3) Emergency Government Committee.
- (A) Creation. The Town of Waterford hereby creates an Emergency Committee composed of all members of the Town Board. The Chairperson of the Town Board shall be Chairperson of the Committee.
- (B) Duties. The Emergency Government Committee shall be an advisory planning group that shall advise the Coordinator of Emergency Government of all emergency government matters. It shall meet monthly or upon the call of the Chairperson; it shall annually prepare a budget for emergency government and present the same to the Town Board for adoption, it shall prepare an annual report for the Town Board; and it shall investigate funding from the state and federal governments to reimburse the Town for Emergency Government costs.
- (C) Cooperation with County Committee. Whenever it is deemed necessary by the County Emergency Government Committee or the Town of Waterford Emergency Government Committee, there shall be a joint meeting of the Committees to decide such matters as may arise.
- (4) Coordinators of Emergency Government.
- (A) Coordinator. The Town of Waterford hereby creates the office of Coordinator of Emergency Government Services and declares that the Coordinator of Emergency Government for the County of Racine shall serve as the Coordinator for the Town of Waterford.

(B) Deputy Coordinators. The Town of Waterford also hereby creates the office of Deputy Coordinator of Emergency Government. The Town Chairperson shall appoint all Deputy Coordinators and also designate the number of Deputy Coordinators to be appointed subject to confirmation by the Town Board. All Deputy Coordinators shall serve in their office until they are replaced by another qualified appointee.

(C) Powers and Duties. The coordinator and Deputy Coordinators, subject to the control and direction of the Emergency Government Committee and under the general supervision of the Chairperson and Town Board, shall:

1. Develop and promulgate emergency government plans for the Town consistent with federal, state and county plans.
2. Coordinate the emergency government program for the Town as required by the Chairperson and the Town Board.
3. Coordinate Town emergency government training programs.
4. Coordinate Town participation in emergency government training programs and exercises.

(5) Committee Resources and Costs.

(A) Office and Staff. The Town of Waterford will provide emergency office space, emergency furnishings, clerical help and the office supplies that are necessary to deal with an emergency operation affecting the Town of Waterford. The costs will be paid by the Town of Waterford with help from any federal or state financial aid that may be available.

1. The Racine County Board shall provide regular offices, office furniture, stenographic help and office supplies necessary for the coordinator to carry out the functions of the office on a day to day basis. The cost will be defrayed by the County of Racine with help from any federal or state financial aids that may be available.

(B) Major Equipment and Services. Cost of equipment and services requested by the Town of Waterford shall be funded by the Town with help from federal and state financial assistance that may be available and procured by the Coordinator of Emergency Government. Financial reimbursement shall be returned to the Town Treasurer.

(6) Utilization of Existing Facilities and Services. In preparing and executing an emergency government program, the services, equipment, supplies and facilities of the existing departments and agencies of the Town shall be

utilized to the maximum extent practicable. To assure their uses to the fullest extent practicable the heads and personnel of all such departments and agencies are hereby directed to cooperate and extend all services and facilities required of them by the emergency government committee and the Town emergency operations plan.

- (7) Penalties. Any person who intentionally fails to comply with the directives of emergency government authorities promulgated under this ordinance during a Town emergency or during any training program or exercises may be fined no more than two hundred dollars (\$200.00). For failure to pay the same the violator may be imprisoned in the County Jail for a period not to exceed eight(8) days.

## 5.19 TOWN BOARD OF HEALTH.

- (1) Creation and Membership. The Town of Waterford hereby creates and establishes the "Town of Waterford Board of Health". The Board of Health shall consist of 3 members to be appointed by the Town Board. At least two members shall be residents of the Town of Waterford and one member must be a current member of the Town Board. The Town Board member shall act as chairperson of the Health Board and shall appoint from its other members a Clerk and Health Officer. All members of the Health Board shall serve one year terms.
- (2) Powers and Duties. The Town of Waterford Board of Health shall have the powers and perform the duties set forth under Sections 141.01(6) and 141.01 of the Wisconsin Statutes.
- (3) Health Officer. The Town of Waterford Board of Health may delegate any of its powers and duties to the Health Officer. The Officer shall receive an annual salary fixed by the Town Board and shall be reimbursed for actual and necessary expenses. If the Health Officer is not a physician, the Board of Health shall arrange for and provide the services of a physician as may be necessary on either a part time or full time basis and provide reasonable compensation therefore.

## 5.20 SPECIAL CHARGES FOR RECYCLABLE MATERIALS

- (1) There shall be an established annual charge per residential unit for the pick-up of trash and recyclable materials within the Township of Waterford. Such charge shall be imposed upon owners of each habitable residential unit within the Township of Waterford.
- (2) Such special charges shall be set and may be adjusted annually by resolution of the Town Board.
- (3) Such special charge shall be placed on the tax rolls commencing with the tax bill for 1991.
- (4) Such special charge shall be pro-rated in the event that uninhabitable lands become habitable during the calendar year.

## 5.21 STORAGE OF ICE SHANTIES

All ice shanties shall be stored at a location to conform to the Racine County Zoning Ordinance and any local aesthetic ordinance. Enforcement of this ordinance regarding ice shanties may be enforced by Town Officials.

## 5.22 POTBELLIED PIG

- (1) License Requirements. Every owner of a potbellied pig more than 9 weeks of age on January 1st of any year, shall annually, within 30 days of January 1st of each year, and in the manner provided by law, pay to the Town Clerk the amount of \$25.00 for a potbellied license fee and obtain the license therefore. Prior to the issuance of the license, the owner shall present evidence that the potbellied pig is currently immunized against rabies. A potbellied pig is considered to be unlicensed if a valid license tag is not attached to a collar which is kept on the animal.
- (2) Running at Large Prohibited. No owner of any potbellied pig shall permit any such pig to run at large within the Township of Waterford.
- (3) Harboring, Keeping Vicious Potbellied Pigs. No person shall harbor, keep or maintain within the Township of Waterford, a vicious potbellied pig.
- (4) Noisy Pigs Prohibited. No person shall keep a potbellied pig which disturbs the peace and quiet of the neighborhood or is a consistently loud oinker.
- (5) Number of Potbellied Pigs Kept. Not more than one potbellied pig shall be kept or maintained in any location in the Township of Waterford in any area of the Township in which two (2) or more residents are occupied within 1,000 feet of each other.
- (6) Animal Control. The appropriate Town Officers shall apprehend and confine any potbellied pig in violation of this ordinance and any Town of Waterford police officer may commence action in the name of the Town of Waterford for violation of this ordinance. Disposition of unclaimed potbellied pigs shall take place within seven (7) days of apprehension and an owner of any such potbellied pig shall pay to the Township all costs incurred by the Town of Waterford in apprehending said pig, and for any costs the Town of Waterford incurs for boarding, inoculation, veterinary, or the destruction of any potbellied pig.
- (7) Penalties. Any violation of this ordinance shall subject the offender to a forfeiture not to exceed \$100.00 or in default of payment thereof, incarceration in the Racine County Jail for a period not to exceed four(4)days

### **5.23 KEEPING OF CERTAIN ANIMALS**

No parcel of land(s), having less than 3 acres in size, nor any residentially zoned parcel, may be used to keep any domestic animals, including, but not limited to, riding horses, ponies, donkeys and/or poultry unless given specific permission by the Town Board. Included in any permitted use will be the condition limiting and establishing the type of stabling or housing of said animal(s). This usage shall be solely for the use of the owners/residents of said real estate and/or for their guests and not for hire or livery. Those parcels of land having more than three acres shall be limited to *one* of the animals referenced above, for the first three acres and one per additional acre thereafter, such as, but not limited to, a horse, pony or donkey. Any permitted usage may be withdrawn, upon notice and for cause shown. Failure to comply with the above ordinance shall result in a forfeiture not to exceed \$200 or eight days in the county jail for failure to pay. Each day of keeping any of the above animals in violation of this ordinance is a separate offense.



**(6) CHAPTER 6**  
**LICENSES AND PERMITS**

- 6.01 General Provisions
- 6.02 Non-Intoxicating Beverages
- 6.03 Intoxicating Liquor and  
Fermented Malt Beverages
- 6.04 Cigarettes and Tobacco Products
- 6.05 Fireworks
- 6.06 Target Ranges
- 6.07 Junk Yards and Storage of Unused, Junked and Unregistered Vehicles and  
Other Items Described Within.
- 6.08 Garbage Dumping
- 6.09 Extractive Operations
- 6.10 Waste Water Sludge Application
- 6.11 Pool, Billiard Halls and Bowling Alleys
- 6.12 Public Dances and Dance Halls
- 6.13 Public Shows, Contests and Parades
- 6.14 Public Assembly
- 6.15 Trailers and Mobile Home Parks and Camps
- 6.16 Canvassers, Peddlers and Transient Merchants
- 6.17 Auction Sales
- 6.18 Pier Regulation
- 6.19 Penalty

## 6.01 GENERAL PROVISIONS.

- (1) Persons Subject to this Chapter. Whenever in this Chapter a license is required for the maintenance, operation or conducting of any business or establishment, or for doing business or engaging in any activity or occupation, any person or corporation shall be subject to this requirement if, by himself or through an agent, employee or partner, he holds himself as being engaged in the business or occupation or actively or passively solicits patronage therefore, or performs or attempts to perform any part of such business or occupation.
- (2) Application. All applications shall be made in writing to the Town Clerk in absence of a provision to the contrary. Each application shall state name, address, type of license or permit location of operation, fee and such other additional information as may be needed for the proper guidance of Town officials in determining whether the license or permit is to be issued or not. The Town Board, or its designee, shall determine the format of and specific information required on each application.
- (3) License and Permit Format. The Town Board or its designee shall, from time to time, determine the content and the format of licenses and permits issued within the Town, except as hereinafter provided or where such matters are governed by state statutes or county ordinances, the Chairperson or the Board of Supervisors of the Town or the Town Clerk.
- (4) Investigation. Upon receipt of an application for a license or permit, if the Code of the Town requires an inspection or investigation before issuance of the license or permit, the Town Clerk shall refer the application to the proper inspecting officers within forty-eight (48) hours of receipt. The officers shall report, favorably or otherwise, within ten (10) days after inspections required by this code. Other inspections may be made by the Chief of Police or by any other officer designated by the Town Chairperson.
- (5) Fees. In the absence of a provision to the contrary, all fees shall be paid in advance at the time the application is made to the Town Clerk. Fees may be pro-rated at the discretion of the Town Board.
- (6) Termination. All annual licenses and permits shall terminate on the last day of the calendar year when no provision to the contrary is made.
- (7) No license or permit for the conducting of any business or the performance of any act under this Chapter shall be issued if the premises to be used for the conducting of the business or performance of the acts, does not fully comply with the requirements of this Code, applicable zoning ordinances or applicable state statutes, rules and regulations.

- (8) Change of Location. Any change in the location of any businesses or occupation licensed or permitted under this Chapter, without the consent of the Town Board, shall result in an automatic forfeiture of the license or permit.
- (9) Inspection. Whenever inspections of the premises used for or in connection with the operation of a licensed or permitted business or occupation are provided for or required by this Code, or are reasonably necessary to secure compliance with any code provision or to detect violations thereof, it shall be the duty of the person holding the license or permit, or the person in charge of the premises to be inspected, to admit thereto for the purpose of making the inspection, any officer or employee of the Town who is authorized or directed to make such inspection at any reasonable time that admission is requested. In addition to any other penalty provided for therein, the Town Board may revoke the license or permit of any person or corporation who refuses, personally or through an agent, to permit any duly authorized officer or employee to make an inspection of their premises, or who interferes with such an inspection. No licenses or permits shall be revoked for such cause unless the Town of Waterford has first served upon the licensee, permittee or person in charge of the premises a written demand stating that the inspection is sought.
- (10) Any license or permit issued may be revoked by the Town Board for any violation by the licensee or permittee relating to the subject matter of the license or permit, or the premises used in connection with the license or permit. Revocation is provided for in addition to any fines that may be imposed for a violation of Town laws or ordinances or any applicable state statutes herein incorporated.
- (11) Posting of Licenses or Permits. The licensee or permittee shall at all times keep his license or permit posted in a prominent place on the premises used for business. This requirement may be superseded by stricter requirements hereinafter provided by this Chapter.

## 6.02 NON-INTOXICATING BEVERAGES.

- (1) Licenses. No person shall operate, conduct, or maintain within the limits of the Town of Waterford, any business of selling non-intoxicating beverages at retail or wholesale without first procuring a license issued by the Town Clerk under the authority of the Town Board. For purpose of this ordinance, a non-intoxicating beverage is one containing less than one-half (1/2) of one per centum (1%) of alcohol.
  - (A) Applications for licenses shall be filed with the Town Clerk for representation to the Town Board at any regular or special meeting thereof. In the event the license is denied the fee shall be returned upon demand.
  - (B) All licenses issued pursuant to this section shall designate the specific promises for which granted and shall expire on the thirtieth (30th) day of June, thereafter. The full license fee shall be charged for the whole or a fraction of the year.
  - (C) No license or permit shall be granted to any person not a citizen of the United States nor, to any person who has been convicted of a felony, unless the person has been restored his or her civil rights nor to any other prohibited by law to be granted the same.
  - (D) No license is transferable from one person to another.
- (2) Removal of Business. If the business is to be removed from the premises designated in the license to another appropriate location in the Town within the license period, the licensee shall give notice of such change of location and the license shall be amended accordingly without payment of any additional fee, subject to the approval of the Town Board.

## 6.03 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES.

(1) State Statutes Adopted. The provisions of Chapter 125 of the Wisconsin Statutes, relating to the sale, procurement, consumption and handling of intoxicating liquors and fermented malt beverages, and the licensing of parties involved therein, together with all amendments, revisions, and modifications, (exclusive of any provisions or parts of the Wisconsin Statutes that conflict with these ordinances or related to the penalties or punishments to be imposed for a violation of the statutes) are hereby incorporated into this Municipal code and made a part of this Chapter.

(2) Licenses.

(A) No person, except as provided under section 125.06 of the Wisconsin Statutes, shall distribute, vend, sell, offer, keep for sale or retail or wholesale, deal or traffic in, or give away any intoxicating liquor or fermented malt beverage without having procured a license or permit as provided herein, nor shall he do or cause the same to be done without complying with all other applicable provisions found in this Municipal Code and the Wisconsin Statutes.

(B) The following classes or types of licenses are hereby created and may be issued by the Town Clerk, under the authority of the Town Board, to any person for the purpose of possessing, selling or offering for sale any intoxicating liquor or fermented malt beverage.

1. Class "A" (Retail Fermented Malt Beverages) \$100.00 per year
2. Class "B" (Retail Fermented Malt Beverages) \$100.00 per year
3. "Class A" (Retail Intoxicating Liquor) \$300.00 per year
4. "Class B" (Retail Intoxicating Liquor) \$300.00 per year
5. Operator's License- Renewal \$30.00 per year; New applications \$40.00
6. Provisional Operator's License \$15.00 per year

Temporary or less than annual licenses of the above types may be issued as provided for under Sections 125.26 (5) and (6), 125.51 (9) and 125.17 (4) of the Wisconsin Statutes. The fees for such licenses may be prorated unless the Wisconsin Statutes provide otherwise.

(C) Number of Licenses Required. A separate license shall be required for each location or premises from which deliveries and sales of alcohol beverages are made.

(3) License Applications. Applications for licenses to sell or deal in intoxicating liquor shall be made in writing on the form prepared by the Department of Revenue for such purpose, and shall be sworn to by the applicant as

provided under 887.03 of the Wisconsin Statutes. All applications shall be filed with the Town Clerk not less than 15 days prior to the granting of the license and shall be accompanied by a license fee and the cost of publication as determined under Section 985.08 of the Wisconsin Statutes. A bond shall be filed prior to the license's issuance if required by the Wisconsin Statutes. If required, it shall be accepted upon approval by the Town Chairperson and Town Attorney, either of whom may require such evidence as deemed necessary regarding the eligibility and jurisdiction of the sureties.

- (4) Licensing Restrictions. In addition to the requirements imposed by the Wisconsin Statutes adopted by reference under Subsection (1) of this Section, the following requirements or restrictions shall apply to the issuance of licenses or permits pursuant to this section:
- (A) Qualifications For Licenses. No license or permit shall be issued to any person who has not attained the legal drinking age, is not of good moral character, and has not been a resident of this state continuously for at least one year prior to the date of filing the application. No license shall be issued to any natural person who has habitually been a law offender or has been convicted of a felony, unless the person has been duly pardoned. No license or permit may be issued to any corporation unless the agent of the corporation and the officers and directors of the corporation meet the requirements regarding age, moral character, and criminal record as set forth in this section. No license shall be issued for any premises if a license covering such premises has been revoked within 6 months prior to application. No license shall be issued to any person who has had a license issued pursuant to this section revoked within 12 months prior to application. The Town Board may refuse to grant a license under this section to any person or corporation for good cause shown and after the submission of proof as required by the Board.
- (B) Inspection of Premises. Every person applying for and procuring a license consents to entry on the premises or licensed premises by the police or any other duly authorized representative of the Town, including the Health Officer, Building Inspector, Town Clerk and Town Chairperson for purposes of inspection and search, and consents to the removal from the premises of all things and articles that are in violation of the town ordinances and state laws, and consents to the introduction of those things as evidence in any prosecution against his or her person for such a violation. "Premises" and "licensed premises" include all living rooms directly or indirectly connected with the premises which are not in another story. The Town Board may at any reasonable time, by majority vote, cause the premises or licensed premises to be inspected and searched as provided for above to determine whether the applicant, licensee and the premises licensed or sought to be licensed comply with the ordinances and laws applicable thereto. The inspection official shall furnish to the Town Board, in writing, the information

derived from the inspection within 10 days thereof. No license or permit provided for in this section shall be issued or renewed if any inspection as herein provided indicates or reveals a violation of any Town Ordinance or state law.

- (C) Health and Sanitation. No license shall be issued for any premises that does not meet the safety and health requirements of the State Department of Health and those established by the Town ordinances.
- (D) Tax Delinquencies. No license shall be granted to keep beer, wine or liquor on any premises upon which taxes or assessments or other financial claims of the Town of Waterford or any municipality are delinquent.
- (E) Location of Premises. No retailers Class A, Class A Combination or Class B Combination license shall be issued for any premises less than three-hundred feet (300 ft) from any established public or parochial school, hospital or church. The distance shall be measured via the shortest route along the highway, from the closest point of the boundary of such school, hospital or church to the closest entrance of or to the premises to be licensed.
- (F) Operator's License. An operator's license provided for under sections 125.17 and 125.68 of the Wisconsin Statutes may be issued by the Town Board to persons of good moral character who have been continuously for not less than one year prior to the filing of the application, citizens of the United States and residents of Wisconsin. A written application shall be filed with the Town Clerk stating the name, residence and age of the applicant, together with such other pertinent information as to fitness the Town Board may require.
- (5) Publication of Application. The Town Clerk shall publish each application for a license under this section prior to the issuance of the license. Publication shall be made as prescribed by Section 125.04 of the Wisconsin Statutes.
- (6) Granting of Licenses. The Town Board shall give any person for or against the granting of any license the opportunity to be heard. Upon approval of the application by majority vote of the Town Board and a showing by the applicant that he has paid the required fee, the Town Clerk shall issue a license which shall contain a serial number, the date of issuance, the fee paid, the name of the licensees and a legal and specific description of the premises licensed. No official board or committee shall have any authority to give permission, whether temporary or otherwise, to any person to do anything for which a license under this section is required unless such license has actually been granted. Such permission shall be of no effect and shall not constitute a defense in an action brought for a violation of this section or any part thereof.

(A) Employees. No retail Class A or Class B establishment shall employ a person who has not attained the legal drinking age. This subsection shall not apply to hotels, restaurants, or combination stores and taverns where no more than 20% of the gross revenue is derived from the sale of intoxicating liquors or fermented malt beverages.

(B) Hours of Operation.

1. No premises licensed for the sale of intoxicating liquor at retail shall, during the days or hours they are required to close, or during the hours in which the sale of liquor is prohibited, obstruct, by the use of curtains blinds, screens or in any other manner, a full and complete view of the interior from the outside. During the hours in which the sale of intoxicating liquors is permitted the premises shall be properly and adequately lighted.
2. No premises for which a license has been issued under this section for the sale or trafficking of fermented malt beverages or intoxicating liquors shall remain open and no person shall sell such beverages and liquors between the hours of 2:00 a.m. and 8:00 a.m. daily. Provided that during the months of Daylight Saving Time (DST) as the same shall exist from time to time in the State of Wisconsin. The closing hours shall be between 2:00 a.m. and 8 a.m. and on Saturdays the closing hours shall be between 2:30 a.m. and 8:00 a.m. On January 1, the closing hours shall be between the hours of 3:00 a.m. and 8:00 a.m. The licensee of the premises shall be guilty of a violation of this section if any person, whether or not the licensee is present, is within the licensed premises during the closing hours as specified above in this subsection.

(C) Credit/Barter. It shall be unlawful for the licensee to sell alcohol beverages or liquors to any person on a passbook or store order, or to receive from any person any goods, wares, merchandise or other articles in exchange for intoxicating liquor or fermented malt beverages.

(D) Orderly Houses. Each licensed premise shall at all

(E) times be conducted in an orderly manner and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed or unlicensed premises.

(F) Underage and Intoxicated Persons.

1. No permittee or licensee under this section shall sell, vend, deal or traffic in, or give away any alcohol beverages in any quantity to or for a minor or to any person intoxicated. Any person violating this



ordinance shall forfeit no less than fifty dollars (\$50.00) nor more than five-hundred dollars (\$500.00), plus the costs of prosecution. For failure to pay the same such person shall be imprisoned in the county jail for a period not to exceed 20 days.

2. No permittee or licensee under this section shall either directly or indirectly permit any person under the age of 21 years, not accompanied by his or her parent, lodger or boarder on the premises of the permittee or licensee, to remain in any barroom or other room on the premises in which liquor is sold or dispensed for any purpose, excepting the transaction of business other than amusement or the purchase, receiving or consumption of edibles or beverages or similar which normally constitute activities of a customer of the premises. This Subsection shall not apply to hotels, drug stores, grocery stores, bowling alleys, or other premises operated under both a Class B license and restaurant permit where the principal business conducted is that of a restaurant. If the premises are operated under both a class B license and a restaurant permit, the principal business conducted is presumed to be the sale of alcohol beverages, but the presumption may be rebutted by competent evidence. A permittee or licensee in violation of this subsection shall forfeit not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00), plus the costs of prosecution. Any person entering or remaining on the premises, who is not a resident employee, a lodger, a boarder, or accompanied by a parent or guardian who has attained the legal drinking age, shall forfeit not more than twenty-five dollars (\$25.00), plus costs.

#### 6.04 CIGARETTES AND TOBACCO PRODUCTS.

- (1) License Required. No person shall in any manner, or upon any pretense, or by any device, directly or indirectly sell, expose for sale, possess with intent to sell, exchange, barter, dispose of or give away any cigarettes or tobacco products without first obtaining a license from the Town Clerk in the manner provided for under Section 134.65 of the Wisconsin Statutes. This section shall not apply to jobbers, as defined under section 139.30 of the Wisconsin Statutes and manufacturers who do interstate business with customers outside Wisconsin.
- (2) License Application and Issuance. The fee for such a license shall be \$50.00 and shall be submitted together with the application to the Town Clerk for presentation to the Town Board at any regular or special meeting. Licenses shall be issued by the Town Clerk under the name of the licensee and shall specifically describe the premises where the business is to be conducted. All licenses issued pursuant to this section shall expire on the 30th day of June next succeeding the date of issuance, and the licensing fee shall be pro-rated regardless of the date of issuance.
- (3) Requirements and Restrictions.
  - (A) All persons granted licenses under this section shall cause their licenses to be prominently displayed in their places of business.
  - (B) Every licensed retailer shall keep complete and accurate records of all purchases and receipts of cigarettes and tobacco products. The records shall be preserved on the licensed premises for 2 years in such a manner as to insure permanency and accessibility for inspection and shall be subject to inspection at all reasonable hours by authorized state and local law enforcement officials.
  - (C) No license shall be transferred from one person to another nor from one premises to another.
- (4) Penalty. Any person violating any provision of this section shall be fined not more than \$100 or less than \$25 the first offense and not more than \$200 nor less than \$25 for the second or subsequent offense. If upon such second or subsequent violation, the person violating this section was personally guilty of a failure to exercise due care to prevent violation thereof, he shall be fined not more than \$300 nor less than \$25. Conviction shall immediately terminate the license of the person convicted of being personally guilty of such failure to exercise due care and such person shall not be entitled to another license hereunder for a period of 5 years thereafter, nor shall he in that period act as the servant or agent of a person licensed hereunder for the performance of the acts authorized by such license. Failure to pay any

forfeiture imposed by this section such person may be imprisoned in the county jail for a period not to exceed twelve (12) days.

## 6.05 FIREWORKS.

- (1) Permit Required. No person shall sell, use, possess, store, discharge or explode any fireworks, except those specified under section 5.12 of the Code or permitted under State law, without first obtaining a permit in the manner provided for under this section.
- (2) Granting of Permits. Fireworks, other than those prohibited by the laws of the State of Wisconsin, may be used and displayed in open fields, public parks, private parks, or on rivers, lakes and ponds by public authorities, fair associations, amusement parks, park boards, civic organizations or other groups of individuals if they have obtained a permit for such display. A permit may be obtained by filing a written application with the Town Police Chief.
- (3) Bond Required. Before any permit for the use of fireworks is granted to an applicant, the applicant shall file with the Town Clerk an indemnity bond in the name of the Town of Waterford in an amount to be determined by the Police Chief. The Police Chief may waive the filing of the bond at his sole discretion. The bond shall insure payment of any and all claims that may arise by reason of injury to persons or property as a result of the use of the fireworks.
- (4) Use Restriction. No permit shall be granted for the display or use of any fireworks within 100 feet of any gasoline pump, gasoline filling station or bulk station or any building in which gasoline or volatile liquid is sold in quantities in excess of one gallon. The Town Board may, at its discretion, restrict the locale of use and/or completely ban the general use of fireworks when such use is determined to be hazardous to the health, safety and general welfare of the Town of Waterford.

## 6.06 TARGET RANGES.

- (1) Defined. "Target range" shall mean a place where fixed or movable targets are set up and arranged for the purpose of being shot at for practice or marksmanship by more than two persons discharging firearms as defined under section 5.10 of this Code, or bows and arrows at or about the same time. All target ranges in the boundaries of the Town of Waterford shall post notices in conspicuous places signifying said area for a target range.
- (2) Permit Required. No target range shall be allowed anywhere within Town limits unless a permit is first obtained from the Town Board. The fee for such permit shall be ten dollars (\$10.00) and shall be submitted together with the application to the Town Clerk for presentation to the Town Board at any regular or special meeting.

## 6.07 JUNK YARDS AND STORAGE AND ACCUMULATION OF UNUSED, JUNKED AND UNREGISTERED VEHICLES AND OTHER ITEMS AS DESCRIBED WITHIN.

### JUNK YARDS.

- (1) Definition. For purposes of interpreting and enforcing the provisions of this section the following definitions shall apply:
  - (A) Junk. All inorganic matter such as tin cans, rope, wire, metal, rubber, bags, cloth, glass, china, crockery, paper, plastic, earth, wood, ashes and discarded motor vehicles or parts thereof that are not in a running condition or restored to operation.
  - (B) Auto Wrecking or Junk Yard. Any place where the articles or items described in (A) above are accumulated and discarded; any place where motor vehicles not in conformance with this ordinance, or parts thereof, are stored in the open, any land, building or structure used for wrecking, dismounting, burning or storing motor vehicles (Including farm vehicles and machinery) or parts thereof, acquired or maintained for junking purposes within the meaning of this section, stored in the open and not being restored to operating condition, and any place that engages in the commercial junking, salvaging or scavenging of any other goods, articles or merchandise for the purchase and sale.
  - (C) Storage. Means the placing, keeping, maintaining or storing of any, all or some of the articles described in (A) and (B) above in or on any lands, buildings, or structures in the Town of Waterford, where no commercial junking operations, wholesale or retail are being carried on.
- (2) Permit Required. No person shall conduct, operate, manage or maintain an auto-wrecking establishment or junk yard within the Town of Waterford, nor store any junk within the Town, without first making application for and securing the appropriate permit allowing such activity.
- (3) Permit Application and Issuance. All permit applications and the required fee shall be submitted to the Town Clerk. Each application shall specify the size and location of all lands and buildings to be used as a junk yard or storage area with an explanation of the type of junking operations or storage that will be conducted therein. Permits shall be signed by the Town Clerk and Town Chairperson and issued upon majority vote of the Town Board. All permits shall be valid for a term of one year unless sooner revoked as hereinafter provided. Their terms shall commence in July 1 and expire on June 30 of each year. The permit fees specified below shall be for the period of one

year or any fraction thereof. Permits shall not be automatically renewed without proper application as provided.

- (4) Permit Fees. Each person operating and maintaining an auto wrecking establishment or junk yard or storage yard shall pay an annual permit fee up to \$500.

- (5) Restrictions.

- (A) No permit or license required by this section shall be granted unless and until the lands or any part thereof to be used as an auto wrecking or junk yard or storage area are completely surrounded by a board fence or its equivalent, of at least six (6) feet in height.
- (B) In no case shall any premises required to be licensed under this section be located less than 750 feet from the center line of any public road or highway, or from the water's edge of any lake or river and not less than one-half mile from the boundary of a residential or recreational district and not less than one-half mile from a residence or structure used for living purposes, except that of the owner of the licensed premises.
- (C) Any required setback or offset area shall be landscaped and kept clean and free from the accumulation of debris or refuse and shall not be used for the storage or display of equipment, products, vehicles, or any other material except as may be specifically permitted under this ordinance.
- (6) Revocation of Permit. Any permit issued by the Board under this section may be revoked at any time by the Town Board after a hearing and upon finding that the permit holder or his agent or representative has failed or refused to comply with any of the regulations herein set forth. The hearing may be held by the Town Board upon its own motion, or upon a complaint in writing, duly signed and verified by a complainant. The complaint shall state the nature of the alleged failure to comply with this section. A copy of the complaint together with a notice of the hearing shall be served upon the permit holder not less than ten (10) days prior to the date of the hearing.

## II. STORAGE AND ACCUMULATION OF UNUSED, JUNKED AND UNREGISTERED VEHICLES, VEHICLE PARTS, BOATS AND OTHER ITEMS DESCRIBED WITHIN.

- (1) Definitions. The following definitions shall apply in the interpretation and enforcement of this ordinance.

- (A) Motor Vehicle shall mean a vehicle which is designed to be self-propelled, including a trackless trolley bus, snowmobile, truck bodies, tractors or trailers.

- (B) Boats shall mean any boat, personal watercraft or any other watercraft whether or not meeting all DNR requirements and regulations for use. For purpose of this ordinance, the definition for boats includes use of the same on water or stored on land.
- (C) Junked Motor Vehicle & Junked Boats shall mean any motor vehicle or boat which is in such a state of physical or mechanical disrepair so as to be incapable of propulsion or being safely operated upon any public street, highway or waterway.
- (D) Unregistered Vehicle shall mean any motor vehicle, vehicle body, tractor or trailer which does not bear a lawful current license necessary for use on roadways and issued by any state or nation.
- (E) Unregistered Boat shall mean any boat not registered for the DNR, or meeting the DNR requirements for use in any waterway, even if said boat is parked or stored on land.
- (F) Salvage Dealers shall mean any individual whose activities are regulated by Wisconsin Statutes Section 175.25. together with any amendments or modifications thereto.
- (G) Application shall mean a written form upon which a request is made for any permit required under this ordinance.
- (H) Vehicle Permit shall mean the written authority given by the Town Board to allow storage of unregistered motor vehicles and/or boats.
- (I) Storage shall mean the placement of a vehicle and/or boat upon real property as described in the Town of Waterford assessment and tax roll.
- (J) Owner shall mean the person or persons who hold legal land title to the parcel of land upon which unregistered motor vehicle(s) and/or boat(s) are stored or to be stored. Owner shall also mean the person or persons who hold legal title to any motor vehicle or boat.
- (K) Occupant shall mean the person or persons who occupy the premises, or have the right to occupy the premises, or who may or may not be the responsible person or persons to harbor or store any unregistered motor vehicle or boat.
- (L) Administrative Rule shall mean the specific requirements that may be created to regulate the storage of vehicles and/or boats and which may pertain to:
  - 1. Number of vehicles or boats



2. Color of vehicles or boats
3. Type of Material in vehicles or boats
4. Location of vehicles or boats
5. Restrictions to certain zones for vehicles or boats

(M) Chief of Police shall mean that individual who is the duly appointed individual to act as the Chief of Police for the Town of Waterford and/or his/her designated representative or substitute.

(N) Person shall mean any individual, household, group of individuals, corporations, partnerships, firms, association, municipality or governmental body, administrative agency, contractor, subcontractor or business.

(O) Town shall mean the Town of Waterford, Racine County, Wisconsin.

(P) Aesthetics Officer shall mean the individual duly designated and appointed by the Town Board of the Town of Waterford to act as the Chairperson of the Aesthetics Committee and to supervise any individuals who to whom authority may be delegated in the scope of any Aesthetic Committee's duty.

(Q) Premises shall mean any plotted lot or part thereof or any unplotted lot or part thereof, or parcel of land, either occupied or unoccupied, vacant or containing any dwelling structure or other structure not used for dwelling purposes.

(R) Solid Wastes shall mean those waste materials consisting of garbage, debris, refuse or other discarded, abandoned or salvageable material, including waste material resulting from domestic use, public service activities, commercial or industrial operations. Solid waste does not include solid or dissolved waste material in waste water effluent or other common water pollutants.

## SECTION I: ORDAINED

### UNLICENSED VEHICLE STORAGE

No unregistered vehicle shall be permitted to be stored, harbored or held upon any parcel of property in the Town of Waterford without a proper permit issued by the Town Board for the purpose of storing, harboring or holding an unregistered vehicle.

### ABANDONMENT AND STORAGE OF VEHICLES

- (1) Except for the storage in receptacles incidental to normal residential use of property and except for premises licensed as junk dealers, junk storage and motor vehicles salvage businesses and except for tree stumps, branches and tree trunks in farm woodlots, it shall be unlawful for a person, firm, partnership or corporation to keep, store, or dump rubbish, junked automobiles, boats or any part thereof upon any property within the Town of Waterford.
- (2) If a violation of the above restrictions is found, the Town Police Department shall serve upon the owner of the premises upon which the violation is alleged to exist a written notice to remove such rubbish, junked automobile, boat or any part thereof from the Town within ten (10) days.
- (3) In the event the notice given by the Town Police Department to the owner of the premises is not complied with, the owner will be cited for the violation of this ordinance and will be subject to the penalties as set forth in Section IV of the ordinance.

### DUMPING AND CONDITION OF LOTS

- (1) No person, partnership, corporation, firm, or business shall dump or dispose, or cause the dumping or disposing of any solid waste as defined herein, on public property except in areas authorized by the Town Board. Whenever the Aesthetics Officer or his/her delegated representative discovers any violation of this section, he/she shall notify the owner, agent or occupant of said property causing or allowing such violation of this section by written notice of inspection. The Aesthetics Officer shall include in such notification the specific condition or conditions found which amounts to a violation, the correction necessary to cure any such violation and a specific and reasonable time to bring about compliance with this section. Each such condition amounting to a violation of this section shall be treated as a separate and distinct violation. In the event that the owner, agent or occupant of such private property fails to correct any such violation within 24 hours after the time allowed for bringing about compliance, the Town Board,

upon written referral of the Aesthetics Officer, shall contract to bring about compliance at the expense of the owner of such property.

- (2) All expenses incurred by the Town Board for contracting to bring any such property into compliance, shall be billed to the owner of such property and upon the failure of said owner to pay such bill, said expenses shall be entered on the first tax roll prepared after the performance of the Town Board to bring about compliance, as a special assessment and shall be thereafter treated in all respects as any other assessment.

## SECTION II: PERMITS REQUIRED

- (1) A written permit to store an unregistered vehicle or vehicles shall be issued upon proper application having been made and only after the applicant has met all the requirements of this Municipal Code and has enclosed said vehicle(s) in a storage enclosure. No outside coverings/storage of said vehicle(s) shall be permitted.
- (2) A written permit form shall be furnished by the Town Clerk.
- (3) Written application forms shall be furnished to any applicant upon request.
- (4) Applications for an "Unregistered Vehicle Permit" shall be filed with the Town Clerk at least 10 days prior to the next regularly scheduled meeting of the Town Board.
- (5) The Town Board shall act upon any application for any "Unregistered Vehicle Permit" within 60 days after it was filed with the Town Clerk.
- (6) Any "Unregistered Vehicle" permit issued shall be valid for a period of 12 months.
- (7) If any application for permit is denied, the Town Board shall cause the applicant to be notified of such denial.
- (8) An annual permit fee of \$35.00 shall be required to be paid to the Town Treasurer.
- (9) An application for an "Unregistered Vehicle Permit" is required annually.
- (10) An application for an "Unregistered Vehicle Permit" must bear the signature of either the owner or occupant of the property subject to such permit.

### SECTION III: ENFORCEMENT

The enforcement of this ordinance shall be the responsibility of the Police Department or any individual that the Town Board may, from time to time, delegate such authority.

### SECTION IV: PENALTY

- (1) A permit to store unregistered vehicles or boats may be revoked at any time it is determined that such permit holder is not in compliance with the terms of this ordinance and/or administrative rules enacted for the maintenance or storage enclosures.
- (2) Any owner, occupant, person or persons violating any provision of this ordinance, including any administrative rule adopted pursuant to this ordinance, shall forfeit a sum of money not to exceed \$50.00 per violation, per day, plus any court costs incurred in the enforcement of this ordinance. In the event of default of any such payment, the owner, occupant, person or persons in default may be imprisoned in the County Jail for a period not to exceed ten (10) days. Any such costs incurred shall not include any costs or expenses incurred by the Town for bringing about compliance with this ordinance.

## 6.08 GARBAGE DUMPING

- (1) Definitions. For purposes of interpreting and enforcing this section the following definitions shall apply.
  - (A) "Garbage" shall include, without limitation, every refuse and waste, rubbish, accumulation of animals, fruits, vegetable matter, liquid, or otherwise, that attends or results from the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables and shall include all waste products, materials and by-products of any kitchen, restaurant or slaughtering house.
  - (B) "Commercial Operations" shall include the collection, salvaging, scavenging or in any manner whatsoever, obtaining, disposing or storing of any refuse or garbage as above defined on a business, trade or commercial basis, whether or not any profit results.
- (2) Permit Required for Commercial Operations. No person shall conduct any commercial garbage operations or transport any garbage or refuse into or within the Town of Waterford for commercial purposes without first making application for and securing the appropriate permit.
- (3) Permit Application and Issuance. All permit applications, together with the required fee shall be submitted to the Town Clerk and shall specify the size and location of lands to be used for the operations, the nature and methods to be employed in the operations and include a detailed plot plan of the lands to indicate the exact area of operations and the location of all structures within one mile in all directions. Permits shall be signed by the Town Clerk and Town Chairperson and issued upon a majority vote of the Town Board. All permits shall be valid for a term of one year unless sooner revoked as hereinafter provided. Their term shall commence on July 1 and expire on June 30 of each year. The permit fees specified below shall be for the one year period of any fraction thereof. Permits shall not be automatically renewed without proper application as provided.
- (4) Permit Fees. Each person conducting commercial garbage operations shall pay an annual permit fee of \$500.00.
- (5) Bond Required. Before any permit for commercial garbage operations is granted, the applicant must secure a bond in the amount of \$5,000.00 with good and sufficient sureties approved by the Town Board, for payment of all claims that may arise by reason of granting such permit.
- (6) Restrictions. In no case shall any commercial garbage operations be conducted less than one (1) mile from any district other than agricultural or less than one mile from any structure used for living purposes, except that of the owner of the lands under permit.

- (7) Permit for Transportation of Garbage. No person shall transport any garbage, rubbish, or other refuse into or within the Town of Waterford for the purpose of dumping or otherwise disposing of same without having secured a permit from the Town Board. The application procedure shall be in accordance with the procedure set forth under Subsection (3) of this section. However, no permit fee or bond shall be required of residents of Waterford seeking a noncommercial garbage dumping permit. No permit shall be required under this subsection for residents of the Town if the dumping is confined to an authorized and posted town dump and is not deemed commercial.
- (8) Revocation of Permits. Any permit issued by the Town Board under this section may be revoked at any time by the Town Board in the manner set forth under Section 6.07 (6) of this Chapter.
- (9) Town Dump. The attendant in charge of the Town dump shall have sole discretion to refuse any and all items brought for dumping at the dump, that, in his opinion, would unduly hamper the dump. The items he has a right to refuse, without limitations, are tires, construction material and appliances. Any individual dumping items contrary to the directions of the attendant shall forfeit not less than ten dollars (\$10.00) nor more than five- hundred dollars (\$500.00). For failure to pay the same such person may be imprisoned in the County Jail for a period not to exceed twenty20) days.
- (10) This Section shall not be construed to prohibit any owner of lands in the Town of Waterford from dumping and disposing of his own garbage or refuse on his own property in any manner not expressly prohibited by any order or restriction of the Town or State law.

## 6.09 EXTRACTIVE OPERATIONS.

- (1) Definitions. For purposes of interpreting and enforcing the provisions of this section the following definitions shall apply:
  - (A) "Quarry" shall mean any place where materials consisting in whole or in part, of rock or stone, excepting sand or gravel, are removed from their natural state by cutting, blasting, digging, pushing or any other method and sold or held for sale or distribution.
  - (B) "Pits" shall mean any and all places where sand or gravel is removed from its natural state of deposit by any means and sold or held for sale or distribution.
  - (C) "Asphalt and Tar Paving Mix Plants" shall mean plants wherein asphalt, tar, or other petroleum products or by- products are prepared or mixed, either alone or with other ingredients as the material for paving or surfacing.
  - (D) "Concrete Redi-Mix Plants and Batch Plants" shall mean plants where water, gravel, sand and crushed stone or other aggregate is mixed with cement to create and manufacture concrete, regardless of whether mixing is done by trucks in transit or at
  - (E) the plant itself.
  - (F) "Topsoil, Sod and Overburden Removal" shall mean an operation wherein the surface of the land is removed, sold, or held for sale or distribution.
  - (G) "Casual Removal of Sand or Gravel" shall be defined as removal without further processing in an amount less than a total of seventy-five hundred cubic yards in any calendar year.
  - (H) "Commercial Removal of Sand or Gravel" shall be defined as removal with or without further processing of seventy- five hundred cubic yards or more in any calendar year.
- (2) Permit Required. No extractive operations shall take place within Town limits until the appropriate permit has been obtained from the Town Board. The permit shall be for an initial period as deemed appropriate to the specific situation, but shall not exceed two (2) years. The permit fee shall be \$3,000 per year, payable either yearly or bi-yearly as the Town Board may decree.
- (3) Permit Application. Application for permit shall be made in accordance with Section 6.01(2) of this Chapter and shall contain the following:



- (A) A legal description of the proposed site with a map showing its location with indications of private access roads, existing or proposed, and of public highways adjacent to the sites which will be affected by the operation.
  - (B) A topographic map of the area at a minimum contour interval of five feet, extending beyond the site to the nearest public street or highway or to a minimum distance of three hundred feet on each side.
  - (C) A full and adequate description of all phases of the contemplated operation and the specific mention of types of machinery and equipment which will be or might be necessary to carry on the operation. Where the operation is to include the washing of sand and gravel, the estimated daily quantity of water required shall be made part of the description.
  - (D) An adequate description of the types and sizes of buildings to be constructed, if any, the types and amounts of explosives which may be used, the smoke and dust control devices to be utilized, the hours of operation, and the employment of safety devices to protect employees and the public from inherent dangers including the provisions made for adequate fencing of the site.
  - (E) A restoration plan as hereinafter required.
  - (F) An application fee of \$1,000.00 to defray part of the cost of the administrative proceedings.
- (4) Granting of Permit.
- (A) Referral to Planning Commission for Public Hearing. The application and all data and information pertaining thereto shall, after filing with the Town Clerk, be referred to the Town Planning Commission. The Planning Commission shall within 30 days thereafter hold a public hearing. Notice of the public hearing shall be given to the applicant for the permit and to all property owners within a half-mile radius of the approximate center of the proposed extractive operation. The notices shall be mailed or personally delivered within one week of the date of the hearing. Within 30 days after such hearing the Town Planning Commission shall submit a report and recommendation to the Town Board regarding the particular extractive operation.
  - (B) Referral to Town Engineer and Attorney. The Town Planning Commission or the Town Board may refer the permit application or other data concerning extractive operations applications and/or renewals thereof, to the Town Engineer or Town Attorney for review and comment. The reasonable expenses for such review and comment shall be paid by the applicant before any permit for extractive applications or renewal of the same is

issued. At the time of application, the applicant shall advance the sum of \$1,000 to be applied to such fees with credit, if any, to be returned to the applicant at the conclusion of the matter. This \$1,000.00 is in addition to the \$1,000.00 submitted with the application referenced in (3)(F) above.

(C) Action by Town Board. The Town Board shall, within 30 days after receipt of the recommendations of the Town Planning Commission, grant or deny a permit for the proposed extractive operation. It shall be in their sole discretion to grant or deny such a permit, however, in exercising their comprehensive planning, including but not limited to the following considerations:

1. The effect of the proposed operation on existing roads and traffic movement in terms of adequacy, safety, and efficiency.
2. The effect of the proposed operation on drainage and water supply.
3. The possibility of soil erosion as a result of the proposed operation.
4. The degree and effect of dust and noise as a result of the proposed operation.
5. The practical possibility of restoration of the site.
6. The effect of the proposed operation on the natural beauty, character, tax base, land value and land uses in the area, including the most suitable land use for said area.

All conditions attached to the granting of the permit by the Town Board shall be in writing and made a part of such permit.

(5) Renewal of Permit. Applications for renewal of permits shall be made in the same manner as an initial application, unless the Town Board and Town Planning Commission require otherwise. In the event a renewal application is denied, the reasons for such refusal shall be presented to the applicant in writing and made a part of the records of the Town.

(6) Area Restrictions. No extractive operation shall be permitted unless the general character of the immediate surrounding area is rural agricultural; there are no dwellings within four hundred feet of the extremities of the proposed operation; and there are no more than thirty families residing within a half-mile radius of the center of the proposed site.

No part of the operation other than the access road shall be located closer than two-hundred feet (200 ft) from the base setback line along any street or highway and no accessory parking area, stock pile or office building shall be located closer than one-hundred feet (100 ft) from such line. No part of the operation

shall be closer than two-hundred feet (200 ft) from a neighboring owner's property line, nor shall any access road, parking area or office building be closer than one-hundred feet from such line unless the owner whose property line is adjoining this property gives written consent or there is an existing extractive operative abutting the property to be extracted from.

(7) Operation Requirements and Restrictions.

- (A) Fences and barriers are to be erected and maintained as prescribed by the Town Board and shall be of the type approved by the Town Planning Commission.
- (B) All machinery and equipment shall be constructed, maintained and operated in a manner as to minimize noise, dust and vibration.
- (C) Access and haulage roads on the site shall be maintained in a dust free condition by surfacing or treatment as directed by the Town Board.
- (D) The crushing, washing, refining or other processing of material other than initial removal, may be done only as specifically authorized under the terms of the permit as issued.
- (E) Stock piling of materials from extractive operations shall be permitted only where specifically authorized by the terms of the permit as issued.
- (F) The manufacture of concrete building products shall not be permitted unless specifically authorized by the terms of the permit as issued.
- (G) The washing of sand and gravel shall be prohibited in any operation where the source of water is doubtful capacity or where the quantity of water required will seriously effect the supply for other uses in the area or where disposal of water will result in contamination or pollution or excessive silting.
- (H) The planting of trees and shrubs and other appropriate landscaping shall be required when the Town Board on its own recommendation or that of the Town Planning Commission, deems it necessary to protect the general appearance of the area. The landscaping shall be started as soon as practicable but no later than one year after the operation has begun.
- (I) Extractive operations shall not begin before the hour of 7:00 a.m. and shall not continue after the hour of 6:00 p.m. and no operation shall take place on Sundays or legal holidays. Extractive operations on Saturdays to be from 7 AM to 1 PM. In the case of an emergency, time and hours of operation may be altered at the discretion of the Town Board through the issuance of a special permit which may be renewed at thirty-day intervals.

(8) Restoration Requirements.

- (A) The applicant for any permit under this Section shall, prior to the issuance of the permit, submit to the Town Board a physical restoration plan showing the proposed contours after restoration, planting and other special features of restoration, the methods by which the restoration is to be accomplished, and the proposed time in which it is to be completed.
- (B) The applicant shall enter into an agreement with the Town, thereby contracting to restore the land to a condition reasonably satisfactory to the Town within a period of time also reasonably satisfactory.
- (C) A bond, with good and sufficient sureties, a certified check or other financial guarantee sufficient to secure performance of the restoration agreement shall be provided by the applicant unless waived by the Town Board. The bond must be satisfactory to the Town Planning Commission. The restoration agreement and bond shall be in a form approved by the Town Engineer.
- (D) If the applicant or permittee fails to fulfill the restoration agreement, the bond, check or other financial agreement or guarantee shall be deemed forfeited to enable the Town to perform the restoration.
- (E) Restoration shall proceed as soon as practicable and at the order and direction of the Town Planning Commission. However, the owner or operator may, at his option, submit a plan for progressive restoration as the extractive operation is being carried on. The required financial guarantee under such circumstances may cover progressive stages of the restoration for periods of not less than two years. At any stage of restoration, the plan may be modified by mutual agreement between the Town and the applicant or permittee.
- (F) Where back filling is required, the material used, or the method of fill must not create a health hazard or be objectionable because of odor, combustibility, or unsightliness. In any case, the finished grade of the restored area except for rock faces, outcroppings, or water bodies or areas of proposed buildings or paving construction, shall be of sufficient depth of earth to support plant growth.
- (G) Within one year after the cessation of the operation all temporary structures (excepting fences) equipment, stockpiles, heaps, or other debris shall be removed or backfilled into the excavation so as to leave the premises in a neat and orderly condition.

- (H) In any restoration procedure taking place in sand or gravel pits or on other sites where the material is of a loose nature, no slopes shall be left which are steeper than the ratio of one vertical to four horizontal. In no case shall any sloping receive the normal angle of slippage of material involved.
- (9) Modification or Waiver of Provisions. The Town Board on the recommendation of the Town Planning Commission may, consistent with the intent of these regulations, modify or waive any or all of the provisions of this Section in the following cases:
  - (A) In operations defined as casual removal of sand and gravel.
  - (B) In operations consisting of sod removal, provided the operation shall not adversely affect the drainage of the area and provided adequate steps are taken to prevent erosion.
  - (C) In an operation for topsoil or overburden removal unless the operation affects the future use of the area or adversely affects the drainage of the area, provided adequate steps are taken to prevent erosion.
- (10) All permits for quarries, pits, asphalt and tar paving mix plants and concrete ready-mix plants shall be for a term of one year each.

#### 6.10 WASTE WATER SLUDGE APPLICATION.

##### **(THE ENFORCEMENT OF THIS ORDINANCE IS IN ABEYANCE UNTIL FURTHER ORDER OF THE TOWN BOARD)**

- (1) Permit Required. No person may apply waste water sludge to lands within the Waterford Township without first obtaining the appropriate permit. A permit may be obtained by filing a written application with the Town Clerk as provided for under Section 6.01 (2) of this Municipal Code. Upon filing, the Town Clerk shall refer the same to the Town Board for approval. If approved by a majority vote of the Town Board, a permit for waste water sludge application shall be issued. The application shall be accompanied by a permit fee of \$10.00 for each acre per application of land to be treated with the waste water sludge. All permit fees collected under this section shall be set aside and allocated to a sludge application inspection and road maintenance fund. An additional permit fee shall be charged for each application.
- (2) Bond Required. To insure that the waste water sludge is properly incorporated into the soil consistent with Town and State regulations, and to further insure that any road damage is paid for, the applicant shall, prior to obtaining a permit, deposit with the Township a cash of surety bond, with good and sufficient sureties, in an amount of \$10,000.00.
- (3) Road use Restrictions.
  - (A) No local roads are to be used by tankers carrying waste water sludge to the site of application, except as provided under this Subsection. Movement to the site shall be restricted to State and County Trunk Highways. When the proposed site cannot be reached without the use of local roads, the town Engineer, at the expense of the carrier, landowner or supplier, shall check the local road route to determine if the roads can bear the heavy loads. If the Town Engineer approves the use of the local road, the permittee shall restrict travel of the vehicles to the specific route laid out by the engineer.
  - (B) The permittee shall clean up all mud and sludge tracked onto all Town roads at the end of each day the sludge is transported. If the waste water sludge is not cleaned up by the permittee within 24 hours the Town shall arrange and provide for clean-up and deduct the costs from the \$10,000 cash bond. Improper clean up shall be verified upon the inspection of a Town Inspector and representative from either the State of Wisconsin and/or the Metropolitan Sewage Commission.
- (4) Improper Incorporation. The permittee shall incorporate all of the sludge into the soil by the end of each day. Improper incorporation of the sludge into the soil shall be cause for immediate revocation of the permit. For each violation

of improper incorporation of sludge, provided it has been verified as a violation upon the inspection of a Town Inspector and a representative of the State of Wisconsin and/or the Metropolitan Sewage Commission, the sum of \$1,000.00 shall be deducted from the \$10,000 cash bond. Each day sludge is found to be improperly incorporated into the soil, shall constitute a separate violation with separate penalties imposed there under.

- (5) Penalty. If any provisions of this ordinance are violated, the Town Planning Commission shall hold a hearing therein on notice to the permittee and if the Planning Commission finds that the terms of the ordinance were violated, the Town Board may revoke all permits issued to the permittee and withhold the issuance of any other penalties prescribed by this ordinance. Any person in violation of any provision herein, shall forfeit not more than five-hundred dollars (\$500.00). For failure to pay the same, such person shall be imprisoned in the County Jail for a period not to exceed twenty (20) days. Each date of violation of the terms of this ordinance shall constitute a separate offense with separate penalties imposed thereunder.

## 6.11 POOL, BILLIARD HALLS AND BOWLING ALLEYS

- (1) License Required. No person shall keep for gain or operation, any pool or billiard table or bowling alley in the Town of Waterford without first making application for and securing the appropriate license.
- (2) Application Procedure. All applications for licenses under this section shall be made in the manner provided for under Section 6.01(2) of this code and shall, in addition, specify the exact number of pool or billiard tables or bowling alleys to be licensed.
- (3) Fee. The license fee for each pool or billiard table or bowling alley shall be \$10.00 per unit for each year or fraction thereof.



## 6.12 PUBLIC DANCES AND DANCE HALLS.

### (1) Definitions.

- (A) The term "public dance" as used in the provisions of this section shall mean any dance to which admission can be had by the public generally with or without the payment of a fee, with or without the purchase, possession or presentation of a ticket or token, or any other dance operated by club membership, season ticket or invitation, or any other dance open or offered to the public generally, regardless of whether the music is furnished by an orchestra, phonograph, radio, juke box or any other device, and regardless of whether such dance is the exclusive or principle activity provided or whether such dance is an incidental activity permitted by a person in connection with operation of some other commercial activity.
- (B) The term "dance hall" as used in the provisions of this Section shall mean any room or place or space at which a public dance may be held, or any hall or academy in which classes in dancing are held and instruction in dance given and shall include pavilions and amusement parks, however, it shall not include halls or academies where bona fide instruction in dancing is given.

The fact that the room or place or space is not used exclusively for dancing, but merely as an incidental activity in connection with the operation of some other business, shall not exclude the same from the definition of the term "dance hall"

- (C) The term "person" as used in the provisions of this Section shall mean and include natural persons, corporations, partnerships, associations, joint stock companies, societies, and all other entities of any kind capable of being sued.
- (2) Licenses Required. It shall be unlawful for any person to permit or allow any room, space, place or building owned, leased, managed, supervised or controlled by him to be used for the purpose of a public dance hall unless the same shall have been licensed under the provisions of this Section, regardless of the type of music employed and regardless of whether the dancing is incidental to the operation of another commercial activity.
- (3) Application Procedure. All applications for any license permitted under this section shall be filed with the Town Clerk for presentation to the Town Board at any regular meeting or special meeting called for such purpose. Each application shall contain the following:
- (A) The name, age, residence and occupation of the application, if an individual, or the names of the principal officers, their residences and ages if the applicant is an association or corporation. It shall also contain the name or

names of one or more persons whom such firm, partnership or association shall designate as manager or person in charge.

- (B) The length of time that the applicant, if an individual, or the manager or person in charge, in case the applicant is a firm, partnership, corporation or association has or have resided in the Town of Waterford; his or their places of previous employment; and whether he or any of them have been convicted of violating any laws or ordinances regulating the conduct of public dance halls or public dances and if so when and in what court.
  - (C) The premises where the public dance hall is to be located or conducted as well as the location of the room or rooms to be occupied for the purpose of conducting the dance and the total amount of floor space to be used for dancing purposes.
  - (D) Whether the applicant or manager has either alone or with someone else, previously engaged as owner, lessee or employee in conducting a public dance hall, and if so, when, where and for how long.
  - (E) The name and address of the person owning the premises for which the license is sought.
  - (F) Whether a hotel rooming house, lodging house, restaurant or tavern is to be conducted in any part of the premises for which the license is sought.
- (4) Classification of Licenses. There shall be the following classes and denominations of licenses, which when issued by the Town Clerk, under the authority of the Town Board and after payment of the fee hereinafter specified, shall be issued to any person, partnership, corporation or association for the purpose of conducting, operating and holding a public dance in accordance with the provisions of this Section.
- (A) Class A License. A Class A License is required for the premises in which a public dance is held where a charge is made for admission or where admission is by means of the purchase, possession or presentation of a ticket or token or where the dance is advertised as such and where an orchestra is employed to furnish the dance music.
  - (B) Class B License. A Class B License is required for the premises in which a public dance is held where no charge is made for admission or where admission is not by means of the purchase, possession or presentation of a ticket or token and where an orchestra is employed to furnish the dance music.
  - (C) Class C License. A Class C License is required when dancing is incidental to all other business conducted in or on the premises used for dancing and

where no charge either directly or indirectly is made for admission and no orchestra or musicians are employed to furnish the music for such dancing.

- (D) Special Permit License. A Special Permit License may be granted to hold not more than two (2) public dances in any structure or premises not licensed under either provisions (1), (2), or (3) of this subsection. The Special Permit license shall be valid only for a specified twenty-four (24) hour period.
- (5) License Fees. License fees for the four classes of dance hall licenses listed above shall be as follows:
- (A) Class A Licenses - One hundred dollars (\$100.00) per year.
  - (B) Class B Licenses - Sixty dollars (\$60.00) per year.
  - (C) Class C Licenses - Forty dollars (\$40.00) per year.
  - (D) Special Permit Licenses - Ten dollars (\$10.00) per year.

All applications for dance hall licenses shall be accompanied by the fee fixed above for the particular type of license sought. In the event the license is denied, the fee shall be returned to the applicant.

(6) Issuance of Licenses.

- (A) Whenever any applicant for a license under this section has filed his application with the Town Clerk, it shall be the duty of the Town Clerk to forward the application to the Town Police Chief for the purpose of having him verify the contents of the application and make a report of his findings to the Town Board.
- (B) The application along with the report of the Police Chief, shall then be considered by the Town Board, which may make further investigation and inspection as is deemed necessary.
- (C) If a license is granted, the same shall be issued by the Town Clerk.
- (D) All licenses shall be numbered in the order of their date of issuance and shall state clearly the name of the licensee, the location of the public dance hall, the date of issuance and expiration, and the amount of fee paid.
- (E) No dance hall license shall be issued unless and until it shall be found that all of the persons named in the application as applicant, manager or person in charge are of good moral character, a resident of the State of Wisconsin for at least one (1) year, that the proposed public dance hall complies with and conforms to all ordinances and state laws governing public buildings and health and fire regulations applicable thereto, and that it is a safe and proper place for the purpose for which it is to be used.

- (F) No license shall be granted unless it is proved to the satisfaction of the Town Board that the applicant, manager or person in charge is of good moral character and capable of maintaining public peace and good order at a public dance. To determine whether or not the applicant is capable of maintaining public peace and good order, the Town Board is privileged to take into consideration the records of law enforcement agencies or of any courts that touch upon the applicants operation of a dance hall in the preceding license year.
  - (G) No license shall be granted unless adequate modern toilet facilities are provided within the building where the public dance is to be held and an adequate amount of drinking water is available, nor shall any license be granted unless the dance hall is properly lighted and ventilated and all parts of the premises are safe and sanitary.
  - (H) No applicant to whom a license has been refused or who has had his license suspended or revoked shall be entitled to make further application until a period of at least six (6) months has elapsed from the date of suspension or revocation unless he can show that the reason for such revocation or suspension no longer exists.
  - (I) No license shall be granted to a person under 21 years of age.
  - (J) No license shall be renewed without a re-inspection of the premises or a review of the applicant's record of operation during the previous license year with any municipal corporation.
  - (K) No license shall be granted to any person who has been convicted of selling or furnishing fermented malt beverages or liquor to minors in violation of state law or any local ordinance.
  - (L) No license shall be granted to any person who knowingly furnishes any false statement in his application for a dance hall license.
  - (M) The Chairperson of the Town Board, when the Board is not in session, shall be authorized to order the issuance of licenses hereunder or to suspend the license of any person violating any of the provisions of this Section. Issuance of licenses or the suspension of licenses under this Subsection shall, however, be acted upon by the Town Board at its next regular meeting.
- (7) Specific Rules and Regulations.
- (A) It shall be unlawful for any person to post a license under this section on premises other than those described in the application.

(B) It shall be unlawful for any person conducting a public dance or operating a public dance hall or any manager or agent of such person:

1. To permit during any public dance or any public dance hall the use of intoxicating liquor or fermented malt beverages in violation of the law.
2. To permit the presence of any intoxicated person or persons under the influence of intoxicating liquors or drugs in the dance hall or on the premises in which the dance hall is located.
3. To permit the presence of any minor 17 years of age or under in the dance hall who is not accompanied by his or her parent or lawful guardian.
4. To permit persons to indulge in dancing that is unrefined, vulgar, suggestive or offensive to public morals and decency.
5. To permit any undue familiarity between persons on the dance floor.
6. To permit indecent, boisterous or disorderly conduct or the use of profane language on the dance floor.
7. To permit any public dance beyond the hour of 1 a.m. or before the hour of 9 a.m.
8. To permit the participation in a public dance of any person under the influence of intoxicating liquors or drugs.

(C) It shall be unlawful for any person, licensee, proprietor or manager or any dance hall to conduct a public dance or a public ball in the manner or form commonly known as a "taxi- dance", and no license shall be issued for any public dance or ball as herein defined to be conducted in the form or manner commonly known as a "taxi-dance".

(D) It shall be unlawful for any person, licensee, proprietor or manager of any dance hall to advertise, operate, maintain, promote or aid in the advertising, operating, promoting or maintaining of any mental or physical endurance contest in the nature of a marathon, walkathon, skateathon, or any other like endurance contest whether under that or similar names. This subsection shall not apply to the continuance of ordinary, amateur or professional athletic events of high school, college or intercollegiate sports.

(8) Exemptions.

- (A) The provisions of this Section shall not apply to dances conducted by a church, grade school, high school or college or other recognized educational institutions located in the Town of Waterford which are primarily to be attended by students of the schools or of similar schools.
- (B) The provisions of this Section shall not be construed to prevent the attendance of children 17 years of age or younger at bathing beaches or at public dance halls when public dances are not being held.
- (9) Term. Each license, except a Special Permit License, issued under this Section shall expire on the 30th day of June each year following the year of adoption of this Section. Any license issued hereunder shall be posted in a conspicuous place in the hall in which the dance is being held; upon the back of the license shall be printed the title and date of issuance by the Town Board.
- (10) Penalties.
- (A) Any person violating the provisions of this ordinance shall upon conviction pay a forfeiture of not less than ten dollars (\$10.00) nor more than two-hundred dollars (\$200.00), together with the costs of prosecution for each and every offense. In default of payment thereof, such person shall be imprisoned in the County Jail for a period not to exceed eight(8) days or until the forfeiture is paid.
- (B) In addition to any other penalties herein provided, or in lieu thereof, the Town Board may suspend or revoke the license of any dance hall proprietor or manager if there is allowed at any dance the presence of intoxicated persons or children of 17 years of age or younger unaccompanied by their parent or lawful guardian, or if any of the other provisions of this Section are violated. The Chairperson of the Town Board, when the Board is not in session, is authorized to suspend the license of any person violating any of the provisions of this Section. A suspension by the Town Chairperson shall be acted upon by the Town Board at its next regular meeting.
- (11) Stipulations and Schedule of Forfeitures. A person arrested for one or more violations of any of the provisions of this Section who desires to stipulate to a plea of nolo contendere (no contest) in writing, may do so in accordance with the following schedule of forfeitures:

	<u>Violation</u>	<u>Forfeitures</u>
	6.12(2)	60.00
(Check	6.12(7)(A)	50.00
forfeitures)	6.12(7)(B)(1)	50.00

6.12(7)(B)(2)	75.00
6.12(7)(B)(3)	75.00
6.12(7)(B)(4)	60.00
6.12(7)(B)(5)	50.00
6.12(7)(B)(6)	50.00
6.12(7)(B)(7)	75.00
6.12(7)(B)(8)	50.00

## 6.13 PUBLIC SHOWS, CONTESTS AND PARADES

### (1) Permit Required.

(A) No person shall conduct, exhibit, operate or maintain within Town limits: any circus, menagerie, carnival, play, game, contest, theatrical performance, theater, concert, athletic event; any contest of speed, skill or endurance on land or water; any type of performance involving dancing or body movement; or any other type of public amusement, show or performance, where the public or members of clubs and organizations are invited or present, without first obtaining a permit as provided for under this section.

(B) Parades. No parades of any nature, except the Fire Department parade and Fourth of July parade or Veteran's parades, shall be conducted either or wholly upon highways, waterways or public lands of the Town without first obtaining an appropriate permit.

(C) Permit Fee. The fee for permits issued under this Section shall be in the amount set per event by the Town Board but shall not exceed \$1,000 per day of the event. This fee shall apply to any show event or amusement not regularly conducted within the Town of Waterford for at least 60 days each year. Carnivals shall be subject to the daily permit fee regardless of period of operation.

(2) Application Procedures. All applications for a permit under this Section shall be made in the manner provided for under Section 6.01 of this Chapter and shall specify the nature of the show or amusement and two previous places where the applicant was employed. The Town Clerk, after filing an application under this Section, shall refer it to the Police Department and Building Inspector who shall investigate and inspect each application and determine whether the place or route sought to be licensed complies with all applicable laws and ordinances and is a proper place for the purpose for which it is to be used.

(3) Permit Restrictions. No permit shall be issued for any public show within a residential district, or to any person under 18 years of age. No applicant to whom a permit has been refused shall make further application for a permit for at least 6 months. No permit shall be issued under this Section to any applicant who was once a permittee under this Section and had a permit revoked within 2 years of the date of application, or to any person who has been convicted of a felony within 5 years of the date of application.

(4) Suspension and Revocation. The Town Chairperson may at any time suspend for not more than 10 days any permit granted under this Section for disorderly or immoral conduct on the premises or for violation by the permittee his agents or employees, of any state law or municipal regulation



or ordinance. Any permit granted by the Town Board under this Section shall be revocable at any time by the Town Board in the manner provided for under Section 6.01 of this Chapter.

#### 6.14 PUBLIC ASSEMBLY.

- (1) Defined. For purposes of interpreting and enforcing the provisions of this Section "public assembly" shall mean a company of persons gathered together at any location, at a single time, for any purpose.
- (2) License Required. No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage, or sell or give tickets to an actual or reasonably anticipated assembly of 500 or more people at any one time, whether on public or private property, unless the appropriate license has first been obtained from the Town Board. A separate license shall be required for each day and each location at which 500 or more people assemble or can reasonably be anticipated to assemble. The fee for each license shall be \$500.00 - \$1,000.00 as determined by the Town Board.
- (3) Exempted Assemblies. The provisions of this Section shall not apply to any established permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established place of assembly for assemblies which do not exceed the maximum seating capacity of the area in which the assembly is held or any government sponsored fairs or police or fire company fairs, held on regularly established fairgrounds; or assemblies required to be licensed by other ordinances or regulations of the Town.
- (4) Application Procedure.
  - (A) Application for a license under this section shall be made in writing to the Town Board at least 30 days in advance of the public assembly. Each application shall contain an affirmation or statement under oath certifying that the information contained therein is true and correct to the best of applicant's knowledge, and shall be signed and sworn to by the individual making the application. If the applicant is a corporation, it shall be signed by all of the corporation's officers, in the case of a partnership, by all of its partners, or if an unincorporated association, society or group, by its officers or, if there be no officers, by all members of the association, society or group.
  - (B) In addition to the sworn statement, the application shall contain and disclose the following:
    1. The name, age, residence and mailing address of all persons required to sign the application as provided for above, and in the case of a corporation, a certified copy of the articles of incorporation along with the name, age, residence and mailing address of each person holding 10% or more of the corporation stock;

2. The address and legal description of all property upon which the assembly is to be held along with the name, residence and mailing address of the record owner or owners of the property;
3. Proof of ownership of all property upon which the assembly is to be held or a statement made under oath or affirmation by the record owner or owners of the property stating that the applicant has permission to use the property for an assembly of 500 or more people;
4. Nature and purpose of the assembly;
5. Total number of days and/or hours the assembly is to last;
6. Maximum number of people the applicant will permit to assemble;
7. Maximum number of tickets to be sold, if any;
8. Applicant's plans to limit the number of people permitted to assemble;
9. Applicants plans for fencing in the assembly area, including the entrances and exits to be provided;
10. Applicant's plans for supplying potable water, including the water source, amount available, and location of outlets;
11. Applicant's plans for providing toilet and lavatory facilities, including their location, the number and type that will be available, and the means to be used in disposing of waste;
12. Applicant's plans for holding, collecting and disposing of solid waste material;
13. Applicant's plans to provide medical facilities, including the medical structure to be provided and its location, provisions for emergency ambulance service, and the names and addresses of physicians and nurses, along with their hours of availability;
14. Applicant's plans, if any, to illuminate the location of the assembly, including the source and the amount of power to be used and the location of all lamps;

15. Applicant's plans for parking of vehicles, including the size and location of lots to be used, the points of highway access thereto, and the interior roads between high access and parking lots;
  16. Applicant's plans for telephone service, including the source of such service and the number and location of telephones to be used;
  17. Applicant's plans for security, including the names, addresses and credentials of all guards to be used, their deployment and hours of availability;
  18. Applicant's plans for fire protection, including the number, location and type of all fire prevention devices to be used and the number of emergency fire personnel available to operate fire prevention equipment;
  19. Applicant's plans for sound control and sound amplification, if any, including the number, location and power of all amplifiers and speakers to be used; and
  20. Applicant's plans for food concessions and concessionaires, including the names, addresses and license or permit numbers of the concessionaires.
- (5) Granting of Licenses. Before the Town Board issues a license under this Section, the applicant shall:
- (A) Determine the maximum number of people that will be assembled or admitted to the location of the assembly and provide proof that the maximum number shall not exceed the number of people that can reasonably assemble at the particular location in view of the nature of the assembly; and
  - (B) Provide proof that the following will be furnished at the applicant's expense before the assembly commences:
    1. A fence completely enclosing the proposed location, of sufficient type and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds which shall have at least 4 gates, one at or near each of the four opposite points of the compass;
    2. Potable water, meeting all federal and state requirements for purity, sufficient to provide drinking water in an amount of at least 1 gallon per person each day and bathing water in an amount of at least 10

gallons per person each day for the maximum number of people to be assembled;

3. Separate enclosed toilets for males and females, meeting all state and local requirements, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled, supplied at a rate of at least one toilet up to and every 200 females and one toilet for up to and every 300 males. A lavatory with running water under pressure and a continuous supply of soap and paper towels shall be provided with each toilet;
4. A sanitary means or method of disposing of all sewage;
5. A sanitary method of disposing of all solid waste in compliance with state and local laws sufficient to dispose of the waste produced by the maximum number of people to be assembled, figured at a rate of at least 2.5 lbs of solid waste per person per day, with a plan for storing and collecting such waste at least once each day in sufficient trash cans with tight fitting lids;
6. Physicians and nurses licensed to practice medicine in Wisconsin, able to provide average medical care to the maximum number of people to be assembled, available at a rate of at least one physician to every 1000 people and one nurse for every 1500 people, with an enclosed structure where treatment may be rendered (containing separately enclosed treatment rooms for each physician), and at least one emergency ambulance available for use at all times;
7. A free parking area inside the assembly grounds, sufficient to provide parking space for the maximum number of people to be assembled, at a rate of at least one parking space per every 4 persons;
8. Telephones connected to outside lines, sufficient to provide service for the maximum number of people to be assembled, at a rate of at least one separate line and receiver for up to and every 1000 persons;
9. Security guards, either regularly employed, duly sworn off-duty Wisconsin peace officers or private guards, licensed in Wisconsin, sufficient to provide adequate security for the maximum number of people to be assembled at a rate of at least two security guards for up to and every 750 people;
10. Fire protection, including alarms, extinguishing devices, fire lanes and escapes, sufficient to meet all state and local standards, and

emergency personnel able to efficiently operate the required equipment;

11. Liability insurance with coverage between \$750,000 and \$1,500,000 holding the Town, its officers, agents, servants and employees free from any liability for causes of action that may arise by reason of the license granted under this section.

(C) The Town Board shall, within 20 days after receipt of the application, grant or deny the license provided for under this section if all the conditions listed above in Subsection 6.15(4) are complied with.

- (6) Bond Required. Before any license is issued under this Section the applicant shall file a bond with the Town Clerk. The bond shall be in cash or underwritten by a good and sufficient surety company, licensed to do business in Wisconsin. It shall be in an amount equal to \$5.00 per person for the maximum number of people permitted to assemble and to be used to indemnify and hold harmless the Town, its officers, agents, servants and employees from any liability for causes of action that may arise by reason of granting a license under this section, from any cost incurred in cleaning up any waste material produced or left by the assembly and to pay for any other expenses incurred by the Town as a result of the assembly.

- (7) Revocation. The license may be revoked by the Town Board at any time any of the conditions necessary for the issuance thereof are not complied with, or if any condition previously met ceases to be complied with.

- (8) Restrictions of Assembly.

(A) The assembly shall not begin any earlier than 9 a.m. daily and shall be terminated daily at 10 p.m. The grounds must be vacant by one-half (1/2) hour past 10 p.m. except for assembly employees performing clean-up services.

(B) The licensee shall not permit the sound of the assembly to carry unreasonably beyond the enclosed boundaries of the location of the assembly.

(B) The licensee shall only permit the maximum number of people stated in the license to assemble. The licensee shall not sell tickets, nor permit to assemble at the licensed location more than the maximum permissible number of people.

- (9) Enforcement. The provisions of this ordinance may be enforced by an injunction of any court of competent jurisdiction and any assembly in violation

of the conditions contained herein shall be deemed a public nuisance and may be abated as such.

- (10) Penalty. Any person violating subsection 6.14(2) or any condition upon which a license is granted under this section shall be fined no less than one hundred dollars (\$100.00) nor more than ten thousand dollars (\$10,000.00). Each day of violation shall be considered a separate offense.

## 6.15 TRAILERS AND MOBILE HOME PARKS AND CAMPS.

- (1) State Laws Adopted. The provisions of Section 66.058 of the Wisconsin Statutes and all provisions of the Wisconsin Administrative Code relating to mobile homes, trailers, trailer and tourist camps, including all definitions contained therein, together with all amendments, revisions and modifications thereto, are hereby adopted by reference and incorporated into this Section as if fully set forth herein.
- (2) Mobile Home Parks.
  - (A) License Required. No person shall operate or establish a mobile home park upon any property within the Town of Waterford without first making application for, and securing a license for such purpose from the Town.
  - (B) Application Procedure. Application shall be made in accordance with the procedure set forth under section 66.058 of the Wisconsin Statutes and shall be accompanied by a fee of \$2.00 for each space or lot in the existing or proposed park. The total of the license fee exacted shall not be less than \$25.00 nor more than \$100.00 for each 50 spaces or fraction thereof within each mobile home park within Town limits.
  - (C) Issuance of License. Upon approval by a majority of the Town Board the Town Clerk shall issue the Mobile Home Park License. The license shall expire one year from the date of its issuance, but may be renewed as provided for under subsection 66.058(6) of the Wisconsin Statutes.
  - (D) Transferability. An application for a transfer of the license provided for under this Section shall be filed with the Town Clerk. Upon approval by the Town Board and payment of a \$10.00 fee the Clerk shall issue a transfer.
- (3) Parking and Storage Restrictions. No trailer or mobile home used for living purposes or for the conducting of a business within the meaning of this Section shall be permitted to be parked or stored in the Town of Waterford outside of an approved, licensed mobile home park, except as hereinafter provided.
  - (A) An unoccupied trailer or mobile home may be stored in an accessory private garage building or in the rear yard of any non-residential district, provided that no living quarters are maintained or any business is conducted in the trailer or mobile home.
  - (B) Travel trailers and camping equipment not exceeding 19 feet in length may be stored, but not in any way occupied as living quarters on any premises within the Town, provided that the trailer or equipment is parked on a driveway, within 20 feet of a driveway or inside a structure used as a vehicle



garage and also that the trailer or equipment is placed even with or behind the street, side yard, rear yard or shore yard setback of any residence located on the premises in question.

(C) Any trailer or mobile home used for living or business purposes and existing outside of an approved licensed park within the Town of Waterford shall be permitted to remain as situated, not to exceed 5 calendar days in any 30 day consecutive period, provided all parking permit fees are paid and all reasonable safeguards relating to health and sanitation are complied with. The occupant of a nonexempt trailer, RV or mobile home falling within the provisions of this subsection shall be responsible for and remit directly to the Town Clerk all parking permit fees due and payable, currently set at \$5.00 per day in advance of occupancy.

(D) Parking Permit Fees. There is hereby imposed on each occupied nonexempt mobile home, house trailer or recreational vehicle (RV), located in the Town of Waterford a parking permit fee of \$100.00 per month or portion thereof, as determined in accordance with Section 66.058 of the Wisconsin Statutes. The fees shall be paid to the Town Clerk on or before the 10th day of each calendar month following the month that the fees are due. It shall be the full and complete responsibility of the licensee of a mobile home park to collect the fees from each occupied, nonexempt mobile home or trailer therein and to remit such parking permit fees to the Town.

(4) Recreational Camp Grounds.

(A) Scope. The provisions of this Subsection shall govern, regulate and affect all temporary seasonal recreational units, including trailers, tent-trailers, pick up campers, tents, RV's and similar or related recreational housing facilities.

(B) License Required. No person shall operate, maintain or establish any camp ground without first making application for and securing the appropriate permit from the Town Board. Each application shall be filed with the Town Clerk, accompanied by an annual permit fee of \$1,000.00 and such additional amount to cover administrative police, fire, rescue, health services and additional costs which may be necessitated by said operation. Also to be provided is a detailed plot plan showing the proposed camp sites to be located within the Township, proposed garbage and toilet facilities, proposed roadway construction, and a statement assigned by the applicant stating that he shall comply with the provisions under this Subsection. A new application and permit fee shall be required for each year the camp operates.

(C) Requirements and Restrictions. It shall be the responsibility of the camp owner, operator or licensee to insure compliance with the following requirements and restrictions:

1. Subject to the existing zoning regulations, all camping areas or developments shall be located only in agricultural areas and on a well defined contiguous parcel of land not less than forty (40) acres in area;
2. A limit of two (2) recreational units(including campsites) shall be allowed per acre of land designated for recreational and camping use;
3. No camping area shall be located within one (1) mile of any residential area;
4. Roadways in camping areas must be approved by the Town Board and covered with at least two (2) inches of road gravel and are subject to inspection by the Town Board or its designee.
5. A domestic water supply approved by the State Department of Natural Resources shall be provided at the camp grounds;
6. One (1) garbage can with at least twenty (20) gallon capacity shall be provided for each recreational unit and shall be emptied at least once a week. The garbage must be disposed of through a recognized disposal service.
7. Camping areas shall provide a septic tank so the campers may empty their trailer holding tanks, and privies or flush toilets shall be available at the rate of one (1) for each (20) camping spaces. Separate facilities shall be provided for each sex, including at least one (1) flush toilet and shower with hot and cold or tempered water. All flush toilets shall be installed in compliance with the Town's plumbing laws contained in Chapter nine (9) of this code. All privies shall be constructed with concrete pits having a capacity of at least 750 gallons per each double unit, and at least 400 gallons for each single unit. They shall be constructed with a concrete floor of four (4) inches, a concrete sill of four (4) inches, fly-proof vents and self-closing doors complete with adequate latches or locks;
8. Each temporary seasonal recreational unit shall only be used, occupied or lived in on camping areas licensed under this Section, and shall only be occupied or used for a period not to exceed 120 days in any calendar year;
9. Each and every family or camping group using this camping area shall keep available for presentation a registration card containing their name and address;

10. No camper shall be permitted to establish a permanent residency in the Town of Waterford nor shall any permanent residences be permitted in any development or camping area subject to any of the provisions of this Section;
  11. Camping area shall maintain adequate fire prevention measures to include but not limited to maintaining on hand one (1) fire extinguisher for every 10 camping units; adequate camp-fire pits and grilling areas and clear pathways for emergency vehicle travel. This ordinance shall not be construed to ban the use of campfires when and where allowed by State and local order;
  12. The sale, use or consumption of alcohol beverages in camping areas shall be restricted by Section 5.10 of this Code relating to alcohol beverages in public places.
- (D) The Town Board or its designee shall have the privilege to inspect camping areas at any time. If any infraction of any of the above provisions is found to exist, the permittee shall correct the same immediately upon verbal/written notification. If the infraction(s) is not corrected, the camp shall be closed until the infractions are removed.
1. A violation of any terms or conditions of any state or county license or permit shall be deemed a violation of this local permit.

## 6.16 CANVASSERS, PEDDLERS AND TRANSIENT MERCHANTS.

### (1) Definitions.

- (A) "Canvasser" shall mean any person who goes from house to house or place to place taking or attempting to take orders for the sale of goods or personal services to be performed in the future, and shall include any person who hires, leases uses or occupies any building, structure, vehicle, street, alley or other place or part thereof within the Town of Waterford for the primary purpose of exhibiting samples and taking orders for future delivery.
- (B) "Peddler" shall mean any person conveying or transporting goods, wares or merchandise who goes from house to house or place to place selling or offering for sale for immediate delivery such goods, wares or merchandise.
- (C) "Transient Merchant" shall mean a person falling within the definition of transient merchant as provided in Section 130.065 (1m) of the Wisconsin Statutes and any person who engages in the temporary business of selling and delivering goods and merchandise, who leases, uses or occupies any building, structure, tent, vehicle, street, alley, or other place or part thereof for exhibition and sale of such goods or merchandise, either privately or at a public auction whether or not the person is associated temporarily with a local dealer, trade, merchant or auctioneer or conducts such business in the name of the same.

### (2) Permit Required. No person shall engage in the business of peddler, canvasser, or transient merchant, within the Town of Waterford without first making application for and securing the appropriate permit. This Section shall not apply to newsboys, farmers and truck gardeners, venders of milk, religious, educational, or charitable organizations, persons selling property at wholesale to dealers of such property, merchant delivery of goods in the regular course of business, bakery goods, groceries or ice and distributing products to regular customers on established routes.

- (A) Application Procedure. All applications for a permit under this Section shall be made in the manner provided for under this Chapter. However, no Town Board action shall be required. The Town Clerk shall sign the permit and issue the same within 72 hours from the time it is filed. Upon receipt of the application, the Town Clerk may require any information deemed necessary to assure that the applicant's business reputation and moral character is desirable and may direct the Police Department to assist in an investigation of the applicant's business reputation and moral character.

- (B) Permit Fee and Term. Each application for a permit shall be accompanied by a fee of fifteen dollars(\$15.00). All permits issued shall expire thirty (30)

days after their date of issuance and applications for renewals shall be handled in the same manner as the original applications.

(C) Transferability. No permit issued under this Section shall at any time be used by or transferred to any person other than the one to whom it was issued.

(D) Display of Permit. Permittees under this Section shall carry their permits with them while engaged in activities that fall within the provisions of this Section and shall display them to police officers or citizens upon request.

(E) Suspension and Revocation. The Town Chairperson may at any time suspend for not more than ten (10) days any permit granted under this Section for any violation of the provisions herein. The permit may be revoked in the manner already provided for under this Chapter.

(3) Specific Regulations.

(A) Consent Required. No permittee under this Section shall go in any private residence or business establishment with merchandise for purposes of peddling or hawking the same, or for purposes of soliciting subscriptions for magazines or other periodicals without having been requested or invited to do so by the owner or occupant of the premises.

(B) Misrepresentation Prohibited. No permittee shall intentionally misrepresent to any customer the purpose of his visit or solicitation, the name of business of his principal, if any, the source of supply of his goods, or the disposition of the proceeds or profits from his sales.

(C) Quitting Private Premises. No permittee under this section shall refuse or fail to leave any private premises in the Town upon being requested to do so by the owner or occupant.

(D) Breach of Peace. No permittee under this section shall fraudulently make any incorrect statement in his application or conduct the permitted business in an unlawful manner or in a manner that constitutes a breach of the peace or a menace to the health, safety or general welfare of the public.

The Town Board or any of its members shall not be held liable for any misrepresentation or charges caused by any transient merchant, peddler or canvasser on the grounds that a license was provided by the Town Board.

## 6.17 AUCTION SALES.

- (1) Definition. "Auction Sales" as used in this Section shall include all sales of four (4) or more articles of merchandise by auction, whether the property is sold to the highest bidder, in fact, by "Dutch auction" (by bidding down the seller or auctioneer or adding to the quantity of property offered for sale at a fixed price), or is sold in any other manner for purposes of evading the provisions of this Section.
- (2) Permit Required. No person shall engage in the business of auctioneer and/or shall conduct an auction sale without first making application for and securing the appropriate permit. This Section shall not apply to the following sales made by virtue of a chattel mortgage or conditional sales contract or by rule, order or judgment of a court, sales pursuant to a law of the State or the United States respecting the collection of some tax or duty; sales in consequence of a general assignment of property or effects for the benefit of creditors; sales of property belonging to the State or the United States; sales by or on behalf of an executor, trustee or administrator; or sales of farm property by or on behalf of a farmer who has resided in Racine County continuously for one (1) year or more and who have paid the taxes levied on his property; or sales of farm personal property at a market licensed under Section 95.70 of the Wisconsin Statutes.
- (3) Application Procedure. All applications for permits under this Section shall be made to the Waterford Town Planning Commission at its regular monthly meeting and shall be approved by the Commission. No auction sales required to be licensed under this Section shall be conducted between the hours of 6 p.m. and 8 a.m.
- (4) Permit Fee. The fee for a permit issued under this Section shall be \$10.00 per day or fraction thereof, but not less than \$10.00.
- (5) Suspension or Revocation. The Town Chairperson may at any time suspend for not more than 10 days any permit granted under this Section on the following grounds: Misrepresentation of property offered for sale; substitution of articles sold to the highest bidder; bidding by the licensee, owner, auctioneer or agents of the auctioneer; violation of any Town ordinance created to protect the public health, safety or general welfare. Any permit granted under this Section may be revoked by the Town Board at any time in the manner provided for under this Chapter.

## 6.18 PIER REGULATIONS.

I. POLICY. The Town of Waterford, pursuant to Chapter 30 of the Wisconsin Statutes, is empowered to regulate piers, wharves, similar or related structures and facilities, and to establish a pierhead line. It is in the interest of the Town of Waterford to establish uniform requirements for the establishment of piers, wharves, and related facilities on Tichigan Lake and the Fox River within the Township of Waterford for the following reasons:

- A. To preserve and protect the property and property values within the Township of Waterford; and,
- B. To preserve and protect Tichigan lake and the Fox River; and,
- C. To protect and clarify public interests and riparian rights in Tichigan Lake and the Fox River within the Township of Waterford, by:
  - 1. Prohibiting piers and similar structures in environmentally sensitive aquatic habitats; and,
  - 2. Limiting the number and location of piers and similar structures so as to avoid conflicting uses of adjacent properties, and,
  - 3. Prevent safety hazards and by controlling pier construction so as to promote uniformity and preserve natural shoreline aesthetics.

II. DEFINITIONS. The definitions contained in the Wisconsin Statutes, and more specifically, Section 30.01 of the Wisconsin Statutes, as the same may be amended from time to time, shall apply to all terms contained in this Ordinance, unless otherwise specifically set forth in this Ordinance. For purposes of this Ordinance, the following terms are defined as follows:

1. "Pier" is defined as any structure extending into navigable waters from the shore of such navigable waters, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from said watercraft, and may include a temporary boat hoist without roof or walls, with fabric canopies permitted.
2. "Wharf" is defined as any structure in navigable waters, extending along the shore and generally connected with uplands throughout its length, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from said watercraft.
3. "Similar" or related structures and facilities" include seasonal or permanent boat shelters or boat hoists.
  - a. "Raft" is defined as a floating platform that is anchored to the bed of navigable waters and is designated for swimming, diving and related activities.
4. "Riparian" is defined as an owner of land abutting a stream or lake.
5. "Wetland" is defined as an area where water is at, near or above the land surfaces long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.
6. "Ordinary high water mark" is defined as the point on the bank or shore, up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction or prevention of terrestrial vegetation or predomination of aquatic vegetation, or other easily recognized characteristics.
7. "Line of navigation" is defined as the three-foot (3) depth or a greater depth contour, if required, for boats in use or appropriate for the use on the waterway, based on the normal summertime low levels on the waterway or summer minimum levels where established by the DNR.



III. ESTABLISHMENT OF PIERHEAD LINE. Until such time that the Town of Waterford establishes, and the DNR approves, a pierhead line on Tichigan Lake and the Fox River within the Township of Waterford which meets the requirements of Section 30.11 of the Wisconsin Statutes and this Ordinance can be amended accordingly, no pier, wharf or similar or related structure or facility may exist beyond the greater of:

1. Boat length; or,
2. A three-foot (3) water depth contour; or,
3. A greater depth contour if required for the watercraft berthed. Piers, wharves and similar or related structures or facilities may not, in any case, interfere with public rights on the waterways and the rights of other riparian owners.

IV. PROCEDURE. Any person desiring to construct any pier, wharf or similar or related structures or facilities on Tichigan Lake or the Fox River within the Town of Waterford, shall follow the procedures hereinafter set forth:

A. Permit.

1. No person may hereinafter construct, place or extend, enlarge or replace a pier, wharf or similar or related structure or facility, or multi-pier development in Tichigan Lake or the Fox River within the Town of Waterford, without first applying for, and obtaining, a permit from the Town of Waterford, for that portion of the Lake or River within the Township of Waterford. Piers, wharves and similar or related structures or facilities which are legally placed as of the date of the adoption of this Ordinance, which are removed and replaced seasonally, are not subject to permits or permit fees, so long as any non- conformity with the requirements of this Ordinance are not expanded, pursuant to Section IV(B)(18).
2. Any person, developer, firm or corporation desiring to erect, construct, place, extend, replace or repair any pier, wharf or similar or related structure or facility, or multi-pier development, below the ordinary high water mark of Tichigan Lake or the Fox River within the Town of Waterford, shall make and file in the Office of the Town Clerk, a written application for permit. Developments with "conceptual approval" shall not be exempt from this requirement. The application shall describe the real estate, pier, wharf or similar or related structure or facility, or multi-pier development or extension thereof in detail, together with its location in regard to the shoreline, pierhead line and bulkhead line, if established, ordinary high water mark location, water depth contours, extent of wetland vegetation, and with the distance to all property lines of the abutting neighboring riparian lands, giving the details of the dimensions and kinds of materials, details of fueling and any sewage disposal facilities or other accessory construction, if applicable, together with drawings and any additional details and specifications that the Town Board may require. The application shall contain the name, residence, post office address, telephone number and the signature of the riparian owner of the shoreline on whose behalf the application is made, and shall also state the name, residence, post office address, and telephone number of the applicant, if different. The riparian owner and/or applicant shall also provide the Town Clerk with the names and addresses of the abutting neighboring riparian owners with this application for permit.
3. Upon filing of such application for permit, the Town Clerk shall refer it immediately to the Town of Waterford Planning Commission for

investigation and report at their next regular meeting, which Commission, after considering the application and all evidence presented and hearing all parties desiring to be heard, may recommend approval of or deny such application. The Town Clerk shall notify abutting neighboring riparian owners by mail, no less than seven (7) days prior to the Planning Commission meeting during which this permit application shall be presented.

4. No permit shall be granted by the Town Board unless they determine that such construction will comply with the requirements of this Ordinance and will be consistent with Section I of this Ordinance. The fee for such permit shall be as described in the Permit Fee Schedule.
5. In the event the pier, wharf or similar or related structure or facility, or multi-pier development for which a permit has been granted, shall not be erected, constructed, placed, extended or maintained in accordance with the plans, specifications, details, and drawings submitted or in accordance with any conditions imposed on the permit, or in the event such pier, wharf or similar or related structure or facility or multi- pier development shall not be used or that it is used in a manner detrimental to the general public or interferes with the rights of the neighboring riparian owners or adversely affects a critical or significant fish and/or wildlife habitat area, then in such event, the Town Board may cancel and revoke the permit, provided it shall first hold a hearing after fixing a time and place of hearing and shall cause a written notice thereof to be issued and delivered or mailed to the holder of such permit, and also to be abutting neighboring riparian owners, not less than seven (7) days before the time fixed for such hearing.

B. General Requirements.

1. Riparian owners may construct, place, extend, enlarge or replace piers, wharves, or similar or related structures or facilities, or multi-pier developments in the waters of Tichigan Lake or the Fox River within the Town of Waterford in aid of navigation, provided that such piers, wharves, similar or related structures and facilities, or multi-pier developments do not interfere with public rights and safety in the waters or with the rights of neighboring riparian owners or occupants and do not adversely affect a critical or significant fish and/or wildlife habitat area, are subject to any establishment pierhead line and other requirements of this Ordinance, and must be consistent with the permit and objectives of Section I of this Ordinance.

2. Piers and wharves shall not exceed six (6) feet in width. One deck, per riparian owner, is allowable on one pier. This deck shall not exceed 112 square feet, including that portion of the pier to which it is attached. (See diagram on file with the Town Clerk for basic concept).

2(A) One raft of up to 100 square feet in area may be allowed, per riparian owner. A permit is required. A raft may not be moored within the normal line of navigation and, in all cases, must be moored within 75 feet of the shore. All rafts must have reflectors or reflective tape visible from all directions. All rafts must have the last name and house number of the riparian owner inscribed and visible. All rafts must be removed or moved to shore from November 1<sup>st</sup> through April 1<sup>st</sup> of each year. In order to be "grandfathered", rafts existing prior to the passing of this ordinance must be registered with the Town Clerk within 90 days of May 31<sup>st</sup>, 2002.

3. Extensions or appurtenances to piers, must comply with all of the requirements of this Ordinance, including all permit requirements.
4. Construction shall be of materials of white, natural or earthen colors, aluminum, or shall be visually inconspicuous as viewed against the shoreline. Aluminum piers are permissible.
5. Lighting on a pier, wharf or similar or related structure or facility, or multi-pier development shall be down- focused white or yellow lights for safety and/or to facilitate docking. Intermittent lighting, strobe or similar lighting is prohibited.

5(A) Riparian owners are required, for safety reasons, to display their house number some place on the shore or on the dock, clearly visible from the water.

6. All piers, wharfs or similar related structures or facilities, or multiplier developments, left in during the winter, shall include reflective white or amber safety markers, no more than five inches square, placed on the farthest-most corners of the permanent structure.
7. Any pier, wharf or similar or related structure or facility, or multi-pier development extending beyond the natural shore or established bulkhead line shall be so constructed as to allow the free movement of water underneath and in such manner as will not cause the formation of land on the bed of Tichigan Lake or the Fox River within the Township of Waterford.
8. Piers, mooring structures, rafts and watercraft moored, shall be set back a minimum of ten (10) feet from common riparian rights lines

and any additional distance required to confine approach and docking of watercraft to the owner's riparian zone.

8(A) A riparian owner may not place more than one pier or wharf per total contiguous frontage owned, assuming compliance with the remainder of this ordinance. Any request for an additional pier or wharf (or mooring in excess of the limit of four) shall be subject to Planning Board recommendation and Town Board approval on a case-by-case basis. In considering a request for an additional pier or wharf, the Planning Commission and the Town Board shall consider the policy dictates found in Section 6.18(l) of this ordinance and its past practice of not allowing more than one(1) pier per riparian for each one hundred(100) feet of frontage in the event the applicant has more than one hundred(100) feet of frontage.

9. There shall be a maximum of four (4) permanently moored watercraft per pier, including watercraft on lifts and mooring buoys. For purposes of this paragraph, *permanently moored* is defined as being moored longer than three consecutive days.

9(A) Permanently moored watercraft shall be the property of the riparian owner or waterfront resident only, unless a law enforcement officer's or rescue vessel authorized by the Town of Waterford.

9(B) No rental of boat slips is allowed.

10. Subdivisions, multi-unit developments and planned unit developments which share a common waterfront lot, parcel or common area may not place more than one (1) pier or wharf per 100 feet of shoreline. All multi-pier developments and similar or related structures and facilities, serving subdivisions, multi-unit developments, planned unit developments, condominiums and home owner's associations, shall be constructed no less than 100 feet from any abutting neighboring lot line.
11. No easements of access shall be granted over existing lots, and no such easement shall be shown on a subdivision plat, multi-unit development plat, planned unit development plat, condominium plat, or in a condominium agreement or homeowner association agreement, which provides greater access than provided above.
12. Pursuant to Section 236.16 of the Wisconsin Statutes, subdivisions with water frontage are required to dedicate a public access to waterways, which, under this Ordinance, must meet with Town, County and DNR approval or be waived by the same.

13. Piers, wharves and similar or related structures and facilities may be placed and maintained only by riparian owners.
14. Electrical, fueling and waste disposal facilities for business or commercial facilities shall comply with all NEC, DILHR, DNR and Town and County Codes, and any other applicable safety and environmental protection laws. In addition, fuel and waste holding tanks must be set back from the ordinary high water mark per applicable DNR regulations.
15. Such piers, wharves and similar or related structures or facilities, or multi-pier developments shall be subject to the pierhead line which may be established pursuant to the provisions of Section 30.13(3) of the Wisconsin Statutes.
16. All piers, wharves and similar or related structures and facilities or multi-pier developments extending beyond the natural shore or established bulkhead line shall be so maintained as to prevent any part or parts thereof from floating free into the waters of Tichigan Lake or the Fox River, and as to prevent said structures from becoming unsafe, unserviceable or unsightly.
17. The respective rights of neighboring riparian owners shall be determined, so as to give each riparian owner his due proportion of the line of navigation, by the extension of lot lines from the shoreline to the line of navigation, by drawing a chord between each pair of property lines at the point where each line meets the shoreline, and bisecting the resulting angle (cotermious riparian rights line extension), or by other DNR approved methods of determining riparian zones. All structures must be confined within each riparian owner's respective zone.
18. Every pier, wharf and similar or related structure or facility, or multi-pier development constructed, placed, extended or replaced in Tichigan Lake or the Fox River within the Town of Waterford in violation of this Ordinance, is declared to be a public nuisance, and the construction thereof may be enjoined and the maintenance thereof may be abated by action initiated by the Town of Waterford.
19. Any pier, wharf or similar or related structure or facility, or multi-pier development existing in place as of the date of adoption of this amended ordinance and registered with the Town Clerk in the Town of Waterford on or before July 5, 1992, shall be considered to meet the requirements of this Section. Said structure may be repaired or replaced, so long as any non- conformity with the requirements of this Section is not expanded.

20. Any person, developer, firm or corporation who owns real estate abutting the shoreline of Tichigan Lake or the Fox River within the Township of Waterford, shall register the length, width, construction and side-yard setbacks of any of their piers, wharves or similar or related structures or facilities, or multi-pier developments, with the Town Clerk in the Town of Waterford on or before July 5, 1992, along with a color photograph(s) of such structure(s). Any such structure in place as of the date of adoption of this amended Ordinance and registered before July 5, 1992, shall be considered to meet the requirements of this Section. Any pier, wharf or similar or related structure or facility, or multi-pier development not registered by July 5, 1992, shall be required to comply with the terms of this Ordinance.
21. Any pier, wharf or similar or related structure or facility, or multi-pier development which is legally placed as of the date of adoption of this subsection and which does not conform to this Ordinance, shall be considered "permissible and pre-existing", and shall not constitute an unlawful obstruction of navigable waters, so long as said structures are registered as provided herein before July 5, 1992, and are otherwise consistent with applicable Town, County and DNR regulations and laws.
22. With respect to Sections 19, 20, and 21 above, and when said sections refer to July 5<sup>th</sup>, 1992, the following additional language shall be included after such reference date....*or with an approved permit prior to May 31st 2002.* In order to be *grandfathered*, rafts existing prior to the passing of this ordinance must have been registered with the Town Clerk within 90 days of May 31<sup>st</sup>, 2002.

- V. PROHIBITION AND EXCEPTIONS. Any pier, wharf and similar or related structure or facility, or multi-pier development extending into navigable waters beyond the limits set forth herein, constitutes an unlawful obstruction of navigable waters. Beyond the requirements within this Ordinance, riparian owners must further comply with any requirements of Chapter 30 of the Wisconsin Statutes, Chapter NR 326 of the Wisconsin Administrative Code, administered by the DNR, as well as any structural, land use or zoning requirements administered by the Racine County Department of Planning and Development.



- VI. PENALTY AND ENFORCEMENT. The penalty for violation of this ordinance, or any party thereof, shall be as is stated in Section 11.08 of the Municipal Code. This ordinance shall be enforced by the Town of Waterford Police Department.

All references to Tichigan Lake and/or the Fox River are also applicable to

## 6.19 LOITERING

- (1) Loitering for improper purposes. No person shall loiter or lounge in any public street or highway or alley or in any other public place or on any private premises without invitation from the owner or occupant thereof for any immoral, illegal or improper purpose or insult or disturb any person by any act, gesture or language.
- (2) Obstruction of highway by loitering. No person shall obstruct any street, bridge, sidewalk or crossing by lounging or loitering in or upon the same after being requested to move on by any police officer.
- (3) Obstruction of traffic by loitering. No person shall loaf or loiter in groups or crowds upon the public streets, alleys, sidewalks, street crossings or bridges or in any other public places within the Town in such manner as to prevent, interfere with or obstruct the ordinary free use of said public streets, sidewalks, streets, street crossings and bridges or other public places by persons passing along and over the same.
- (4) Loitering after being requested to move. No person shall loaf or loiter in groups or crowds upon the public streets, sidewalks or adjacent doorways or entrances, street crossings or bridges or in any other public place or on any private premises without invitation from the owner or occupant after being requested to move by any police officers by any person in authority at such places.
- (5) Loitering in public places. No person shall loiter, lounge or loaf in or about any restaurant, store, public parking lot or any place of assembly or public use after being requested to move by any police officers, proprietor of the place of business or by any person in authority at such place. Upon being requested to move, a person must immediately comply with such request by leaving the premises or area thereof at the time of the request.

## 6.20 PENALTY.

Any person violating any provision of this Chapter, or any Wisconsin Statute incorporated herein by reference, shall forfeit not less than Ten (\$10.00) dollars nor more than the maximum amount allowable under the Municipal Code, plus the costs of prosecution, assessments or other costs, subject, however, to any specific forfeiture limitations imposed by the Wisconsin Statutes. Upon failure to pay said forfeiture and costs imposed by the Municipal Court, such person may be imprisoned in the County Jail for a period not to exceed 90 days or have his driver's license suspended for a period not to exceed 5 years.

**(7) CHAPTER 7**  
**TOWN PLANNING**

7.01 PLANNING COMMISSION

7.02 LAND DIVISION

7.03 ZONING

7.04 ARCHITECTURAL CONTROL

7.05 AESTHETIC ORDINANCE

7.06 LAND IN COMMON OR PUBLIC OWNERSHIP

## 7.01 PLANNING COMMISSION.

- (1) Creation. The Town Board hereby creates and establishes the Town Planning Commission which shall consist of seven (7) members as follows: The Town Chairperson; the Building Inspector; five citizen members. The citizen members shall be persons with recognized experience and qualifications and appointed by the Town Chairperson subject to confirmation by the Town Board. The first citizen appointment shall serve a term of one (1) year, the second citizen appointment shall serve a term of two (2) years, and the third citizen appointment shall serve a term of three (3) years; each such appointment shall commence from the succeeding 2nd Monday of May, and thereafter such terms expire during the month of May. In the year any such terms expire, a new citizen member shall be appointed for a term of three (3) years. All vacancies on the Town Planning Commission thereafter shall be filled for the unexpired term in the same manner as appointment for full term. The Planning Commission members shall receive compensation for their services in the sum of money from time to time fixed by the Town Board. In the event that the Chairperson is unable, for any reason, to attend and preside over a meeting of the Town Planning Commission, the Chairperson shall appoint and designate a member of the Town Board to chair such meeting, with all rights afforded such Chairperson.
- (2) Function. It shall be the function and duty of the Planning Commission to oversee, supervise, promote and plan the physical development of the Town of Waterford, subject to the limitations imposed by this Chapter and applicable provisions of the Wisconsin Statutes relating to municipal planning.
- (3) Operations.
  - (A) The Planning Commission shall keep a written record of its proceedings, including all actions taken, a copy of which shall be filed with the Town Clerk. All actions taken shall require the affirmative approval of a majority of the Planning Commission members. Four (4) members shall constitute a quorum necessary to conduct business.
  - (B) The Planning Commission shall have the power to employ experts and staff as may be necessary, and to pay for their services and all necessary and proper expenses they incur, within the limits of the budget established by the Town Board or out of funds placed at their disposal through gifts, subject to other applicable Town Ordinances and resolutions.
  - (C) The Town Planning Commission shall utilize the services of existing Town Officials and employees to the furthest extent possible.

- (D) The Town Planning Commission shall have the powers and duties enumerated in and provided for under Section 62.23 of the Wisconsin Statutes and any other powers and duties vested in the Commission from time to time by the Town Board.
- (E) The following fees shall be paid to the Town of Waterford to defray the costs and expenses of review and recommendations by the Town Planning Boards.

1. Rezoning of Lands	- \$100.00
2. Variance	- \$ 50.00
3. Conceptual Plan	-\$100.00

- (4) Master Plan. Pursuant to its function and duty to make a master plan as directed by Section 62.23 of the Wisconsin Statutes the Town Planning Board hereby incorporates by reference and makes a part of this Municipal Code any adopted regional land use plan developed and/or adopted by the Southeastern Wisconsin Regional Planning Commission, Racine County Planning and Zoning. All components of the regional land use plan shall be adopted, including the map contained therein.

## 7.02 LAND DIVISION.

- (1) In accordance with Section 236.45 of the Wisconsin Statutes, the Town Board shall have the authority to regulate and control the division of land within the limits of the Township in order to protect and promote the public health, safety, morals, prosperity, aesthetics and general welfare of the Town. Pursuant to that authority the Town Board hereby incorporates by reference and makes a part of this Chapter, the Town of Waterford Land Division Control Ordinance (see Chapter 10). All provisions contained therein shall govern the subdivision or other division of land within the Township of Waterford subject to the following modifications, limitations or re-creations:
  - (A) VARIANCES. Where, in the judgment of the Town Plan Commission, it would be inappropriate to apply literally certain sections of the Ordinances or because exceptional or undue hardship would result, the Town Planning Commission, as to those matters which it has been granted exclusive jurisdiction by the Town Board or by State or County Ordinances, may waive or modify any requirement to the extent deemed just and proper. The provisions of Section 9.07(7) and 9.15(4) of the municipal code of the Town of Waterford shall govern the granting of variances under this Section.

### B. MINOR LAND DIVISION - CSM MAPS.

- (1) A certified survey map shall comply with the provisions of Section 236.34 of the Wisconsin Statutes, and shall set forth on its face the following:
- (2) Any person(s) proposing to divide land into not more than four (4) parcels, any of which is 35 acres or less in size, or when it is proposed to divide a block, lot or outlot within a recorded subdivision plot into not more than 4 parcels without changing the boundaries of the said block, lot or outlot, the subdivider shall subdivide by the use of a certified survey map.
  - a. Date of Map.
  - b. Graphic Scale.
  - c. Name and address of the owner, subdivider and surveyor.
  - d. All existing buildings, water courses, drainage ditches and other features pertinent to proper division.
  - e. Names of adjoining streets, highways, parks, cemeteries, subdivisions, ponds, streams, lakes, flowages and wetlands.
  - f. All lands reserved for future public acquisition.
  - g. Floodland and shoreland boundaries and the contour line lying at a vertical distance of two (2) feet above the elevation of one hundred (100) year recurrence interval flood.
  - h. Any additional information required by the Town Board.

- (3) Where map is located within a quarter section, the corners of which have been relocated, monumented and placed on the Wisconsin State Plan Coordinate system by the Wisconsin Department of Transportation, Southeastern Wisconsin Regional Planning Commission, the County or any City, Village or Town, the map shall be tied directly to one of the sections or quarter corners so coordinated. The exact grid bearings and distance of such tie shall be determined by field measurements, and the material and Wisconsin State Plan Coordinates of the monument marking the section or quarter corner to which the plan is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin State Plan Coordinate System, South Zone, and adjusted to the County control survey.
- (4) The surveyor shall certify on the face of the map that he has fully complied with all provisions of this ordinance.
- (5) The subdivider shall file six (6) copies of the certified survey map and a letter of application with the Town Clerk. Prior to submitting a final certified survey map for approval, the subdivider may submit a preliminary certified survey map. It shall be clearly marked "preliminary certified survey map" and shall be in sufficient detail to determine whether the final certified survey map will meet all layout requirements.
- (6) The map shall be reviewed by the Town Plan Commission for conformance with this ordinance and all other ordinances, rules, regulations, adopted regional, county and town plans or adopted plan components which affect it. Its recommendations shall be forwarded to the Town Board.
- (7) The Town Board shall approve, approve conditionally, or reject such map within 40 days from the date of filing said map. If the map is rejected, the reasons shall be stated in the minutes of the meeting and a written statement shall be sent to the subdivider. If the map is approved, the Town Board shall cause the Town Clerk to certify on the face of the original map and return the map to the subdivider.
- (8) Such map will not be formally approved by the Town Board until the impact/site fee, then in effect, is paid.
- (9) Dedication of streets and other public areas shall require, in addition, the owner's certificate, mortgagee's certificate and certification for approval by the Town Board in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes.
- (10) The certified survey map shall only be recorded with the County Register of Deeds after certificates of the Town Board and the surveyor are placed on the face of the map.



- (11) Any and all ordinances inconsistent with this ordinance are hereby repealed.
- (12) The Town Board may waive the placing of monuments, required under Section 236.15(b), (c) and (d), for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of the monuments within the time required.

### 7.03 ZONING.

In accordance with Section 60.61 of the Wisconsin Statutes the Town Board shall have the authority to propose and adopt zoning rules and regulations for purposes of promoting the public health, safety and general welfare. Pursuant to that authority the Board hereby elects to adopt Racine County Zoning and abide by the zoning ordinances formulated and effected by Racine County Planning and Development.

#### 7.04 ARCHITECTURAL CONTROL.

- (1) Purpose. The purpose of this section is to promote the public health, safety and general welfare of the citizens of the Town of Waterford by prohibiting structures incompatible with the character of surrounding neighborhood structures, constructed or to be constructed, thereby maintaining and conserving the taxable value of land and buildings throughout the Town of Waterford and preventing the depreciation thereof.
- (2) Requirements. No building permit for a structure required to be permitted under Chapter 9 of this Municipal Code shall be issued unless the Town Planning Commission, upon request for a determination by the Building Inspector, has found, after viewing the site of the proposed structure and examining the application papers for the building permit, that the exterior of the building to be constructed, altered or enlarged will not be at variance with, or similar to, either the exterior architectural appearance and functional plan of structures in the immediate neighborhood constructed or in the course of construction or the character of the applicable local district to such an extent that it causes a substantial depreciation in the property values of the neighborhood or local district.
- (3) Procedure. Upon the Building Inspector's request for a determination by the Town Planning Commission, the planning commission shall set a time and place for a hearing on the application and give such notice of the hearing as it deems sufficient. At the hearing the Commission may hear the applicant for the building permit in question and/or the owner of the lot on which the structure is located or to be constructed or moved, together with any other persons, whether residents or property owners, that desire to be heard. The hearing may be adjourned from time to time. After the close of the hearing, the Commission shall make a written determination on the application which shall be signed on behalf of the Commission by its Chairman and Secretary. The Secretary of the Commission shall then file a copy of the written determination and findings in the office of the Town Clerk and mail a copy of such determination by registered mail to the applicant for the permit which was acted upon. Thereafter the Building Inspector shall issue or refuse to issue a building permit in accordance with the Planning Commission's determination.
- (4) Appeal. Any person aggrieved by the Planning Commission's determination may appeal from such determination to the Town Board of the Town of Waterford within 30 days after receiving notice of the Planning Commission's action. The appeal shall be in writing; shall set forth the basis of appeal; and shall be filed with the Town Clerk. The Town Board shall thereupon hear the appeal at its next regular meeting. On appeal, in the absence of proof to the contrary presented to the Town Board, a refusal to grant a building permit shall be deemed based upon facts which support a conclusion that the

exterior architectural appeal and functional plan of the proposed structure for which a permit was refused would, when erected or moved, be so at variance with or so similar to the exterior architectural appeal and functional plan of structures already constructed or in the course of construction in the immediate neighborhood, or the character of the applicable district, as to cause a substantial depreciation in the property values of the neighborhood within the applicable district.

7.05 AESTHETIC ORDINANCE.  
RESIDENTIAL STRUCTURES.

- I. UNSAFE AND UNSANITARY BUILDINGS. Whenever the Building Inspector finds any building or part thereof within the Town to be in his/her judgment so old, dilapidated or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use and so that it would be unreasonable to repair the same, he/she shall order the owner to raze and remove such building or part thereof or if it can be made safe by repairs, to repair and make safe and sanitary or to raze and remove at the owner's option. Such order and proceedings shall be as provided in 66.06(5), of the Wisconsin Statutes.

II. APPLICABILITY OF STANDARDS.

- (1) The provisions of this chapter shall apply to all structures in the Town containing one or more owner occupied or rental dwelling units.
- (2) This chapter establishes minimum standards for the human habitation and/or occupancy of premises in the Town of Waterford and does not replace or modify the standards otherwise established for the construction, replacement or repair of buildings contained in the building code, except such as are in conflict with the provisions of this chapter.

III. DEFINITIONS. The following definitions shall apply only to the interpretation and enforcement of Sec. II.

- A. APPROVED. Approved by or in accordance with regulations under this chapter, enforced and interpreted by the Building Inspector or others as indicated elsewhere in this Chapter.
- B. BASEMENT. A story having part, but not more than 1/2 of its floor to clear ceiling height below the average finished ground grade adjoining the building walls.
- C. BEDROOM. A habitable room within the dwelling unit which is used or intended to be used primarily for the purpose of sleeping.
- D. BUILDING INSPECTOR. The official of the Town appointed and designated as the Building Inspector.
- E. DWELLING UNIT. A suite of habitable rooms, occupied by or intended to be occupied by not more than one family as a residence and forming a single habitable unit with cooking, living, sanitary and sleeping facilities.
- F. FAMILY. One or more persons that are related by blood, legal adoption or marriage. A family may also include foster children or may consist of one or more unrelated persons.
- G. HABITABLE ROOM. A room in any dwelling not including private laundries, bathrooms, toilet rooms, pantries, storerooms or room for mechanical equipment.
- H. HEALTH OFFICER. The official of the Town of Waterford appointed and designated as the Health Officer.
- I. OWNER. Any person, firm, corporation or guardian who alone or jointly with others shall own or has charge, care or control of any dwelling unit within the Town of Waterford.
- J. RENTED PREMISES. All premises which are used by persons other than the owner.
- K. TOWN ENGINEER. The official of the Town of Waterford appointed and designated as the Town Engineer.

#### IV. MINIMUM STANDARDS FOR LIGHTING, VENTILATION AND HEATING.

No person shall occupy, or let to another for occupancy, any dwelling or dwelling unit for the purpose of living which does not comply with the following requirements:

- (1) Every habitable room shall have a window or windows with a total glass area equal to at least 8% of its floor area, such windows shall open to the outside. All Bathrooms shall have a window or windows with a total glass area equal to at least 3.5% of the net floor area, open to the outside, or approved mechanical ventilation.
- (2) Every dwelling or dwelling unit shall be adequately lighted as required per the National Electric Code.
- (3) Every habitable room & stairway within a dwelling or dwelling unit shall contain electrical outlets as required per the National Electric Code.
- (4) Each dwelling or dwelling unit shall have supplied heating facilities and such facilities shall be properly installed and maintained in good working condition as required per Chapter 23 of the Uniform Dwelling Code for 1&2 family dwellings and Chapter 64 of the Uniform Dwelling Code for 3 or more dwelling units. A temperature of at least 68 F at a distance of 3' above floor level when the outdoor temperature is at 10 below 0 F is required.



V. RESPONSIBILITY OF OWNERS RELATING TO THE MAINTENANCE OF DWELLING UNITS. No person shall occupy or allow to be occupied any dwelling unit which does not comply with the following requirements:

- (1) Every foundation, exterior wall and roof shall be reasonably weathertight, watertight and rodent-proof and kept in a good state of maintenance and repair. All rain water shall be drained from a roof by use of rain gutters, downspouts & splash blocks.
- (2) All exterior building surfaces shall be protected from the elements by paint or other approved protective coating. All supporting structural members shall be sound, free of deterioration and capable of bearing the dead & live loads imposed.
- (3) Every exterior door shall have a lock capable of tightly securing the door, hollow core doors shall not be used as an exterior door. Every window and exterior door shall be weather tight and rodent proof and shall be kept in good working condition and a state of good maintenance and repair. Every window shall be capable of being easily opened and supplied with a screen, all basement windows, if used for a bedroom, shall be of ingress & egress size.
- (4) Every interior partition, wall, floor and ceiling shall be capable of affording privacy, kept in a reasonably good state of repair and maintained so as to permit them to be kept in a clean and sanitary condition, free of any accumulation of rubbish, refuse or garbage.
- (5) Every inside and outside stairway, porch or deck shall be constructed to be safe for use and shall be kept in a good condition. Every required exit shall be unobstructed at all times. All exit stairways of 3 risers or more shall have a handrail at a measured height of 30"-38" above the nosing gripping area. Open stairways shall have a handrail on both sides of the stairway. Guardrails shall be a minimum of 36" above the decking.
- (6) Every supplied plumbing fixture and water and waste pipe shall be properly installed and maintained in good, sanitary working condition as required per the State Plumbing Code.
- (7) Every chimney shall be clean and maintained in good state of repair and all mechanical equipment shall be maintained in good working condition.
- (8) Every bathroom & kitchen floor surface shall be maintained so as to be impervious of water and kept in a clean and sanitary condition.
- (9) No owner shall voluntarily cause any service equipment or utility which is required to be supplied under the provisions of this chapter to be removed,

shut off or disconnected from any occupied dwelling unit except for such temporary interruptions as may be necessary while repairs, replacement or alterations are being made.

- (10) Every owner of a building shall be responsible for the extermination of insects, rodents or pests on the premises. Whenever infestation exists in any dwelling extermination shall be done.
- (11) Every occupant of a dwelling shall be responsible for maintaining in a clean, sanitary condition all premises used or shared by the occupants.
- (12) No owner shall occupy or rent any dwelling unit unless it is clean and sanitary and complies with all provision of this chapter and all rules and regulations adopted by the Town of Waterford.

VI. MINIMUM SPACE USE AND LOCATION REQUIREMENTS. No person shall occupy, or let to another for occupancy, any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements:

- (1) No dwelling unit shall be occupied by more than one family plus no more than 2 occupants who are not related to the family.
- (2) At least 1/2 of the floor area of every habitable room shall have a ceiling height of not less than 7 feet.
- (3) No dwelling or dwelling unit containing 2 or more sleeping rooms shall have such room arrangement that access to a bathroom or toilet room intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room.
- (4) Every occupant of every dwelling unit shall have unrestricted access to a toilet and to a kitchen sink or lavatory basin located within the dwelling unit.
- (5) No basement shall be used as a habitable room or dwelling unit unless:
  - a. The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.
  - b. The total window area in each room is equal to at least the minimum window area sizes as required in the Uniform Dwelling Code.

VII. RESPONSIBILITY OF OWNERS RELATING TO THE MAINTENANCE OF NONDWELLING

- (1) All exterior surfaces of non-dwelling structures shall be properly protected from the elements and against decay and decomposition by paint or other approved protective coating applied in a workman like manner.
- (2) Every fence shall be kept in a good state of maintenance and repair or shall be removed.
- (3) Every lot shall be graded and maintained so that all water is diverted away from buildings so no stagnant water will accumulate.
- (4) Any driveway area crossing any public right-of-way shall be paved within one (1) year after an occupancy permit is issued, with a permanent type surface.
- (5) A new construction dwelling property shall be graded, landscaped and have an established lawn within one (1) year after an occupancy permit has been issued.
- (6) Every premises and lawn shall be maintained in a presentable and well kept condition, lawns shall be mowed when grass reaches 8" or more in height.
- (7) The maximum height of garages, not part of the primary residential dwelling unit, in all Residential(R) Zoning Districts shall be 15 feet from grade to ridge board.

VIII. INSPECTION BY BUILDING INSPECTOR. The Building Inspector or his/her designated representative is authorized to, and upon receipt of complaint shall, make exterior inspections to determine whether the buildings, structures and premises located within the Town of Waterford conform to the requirements of this chapter. For the purpose of making exterior inspections, the Building Inspector is authorized to enter, examine and survey at all reasonable times the exterior portions of all buildings, structures or premises. Every owner or occupant shall give the Building Inspector free access to any such premises. The Building Inspector or his/her delegated representative having probable cause to believe a violation of this chapter exists, shall have authority to enter any of such premises after written notice is given to the owner, occupant or his/her agent. If after such notice is given access is denied to the Building Inspector, he/she may apply to the municipal court or circuit court for a special inspection warrant.

IX. ADMINISTRATIVE PROVISIONS.

- (1) The Building Inspector is hereby made responsible for the enforcement of this chapter. All inspections, enforcement, orders or matters relating to violations of this chapter shall be under his/her direction and supervision. He/she may appoint or designate such other public officials or employees of the Town of Waterford to perform duties as may be necessary to the enforcement.
- (2) The Building Inspector shall be supplied with official identification and upon request shall exhibit such identification when entering any premises subject to this chapter. The Inspector shall conduct himself/herself so as to avoid intentional embarrassment or inconvenience to occupants.

- X. NOTICE. Whenever the Building Inspector determines that there are reasonable grounds to believe that there has been a violation of any provisions to this chapter, notice of such alleged violation shall be given to the person responsible therefore, which shall:
- (1) Be in writing.
  - (2) Indicate the nature of the violation.
  - (3) Indicate the time for the correction of the violation in accordance with subsection (5) hereof.
  - (4) Be served upon the owner(s) or agent or the occupant or operator as the case may require. Such notice shall be deemed to be properly served upon such owner, his/her agent, occupant or operator if a copy thereof is:
    - a. Served upon him/her personally
    - b. Sent by registered or certified mail to his/her last known address; or
    - c. Posted in a conspicuous place in or about the building or structure affected by notice.
  - (5) State a reasonable amount of time not to exceed 30 days to correct or abate the violation.
  - (6) Advise the person served of the right to request a hearing before the Town Board and that the notice shall become an order of the Building Inspector 7 days after service unless such a hearing is requested.

## XI. PLACARD ON BUILDINGS.

- (1) The Building Inspector shall cause to be placed upon a building, structure or premises a placard which will state the determinations of the Building Inspector as to the building, structure or premises being unfit for use or occupancy whenever all of the following occur:
  - a. Any building, structure or premises does not substantially comply with the requirements of this chapter.
  - b. The Building Inspector has given notice of the violations involved as provided for in Sec. X.
  - c. If the owner, occupant or operator has failed to correct the violations set forth in such notice.
  - d. The Building Inspector has further determined that the building, structure or premises are so damaged, decayed, dilapidated, unsafe or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public and is therefore unfit for use occupancy.
- (2) The form of the placard placed under the provisions of this section shall be determined by the Building Inspector but shall also substantially state the specific violations of this chapter.
- (3) No person shall deface or remove the placard from any building, structure or premises which has been placed by the Building Inspector until removal of such placard is authorized by the Building Inspector.
- (4) Any building, structure or premises which has been determined by the Building Inspector as being so damaged, decayed, dilapidated, unsafe or vermin infested that it creates a serious hazard to the health and safety of the occupants and which such building, structure or premises has been placarded by the Building Inspector shall be vacated within such reasonable time as is determined and ordered by the Building Inspector.
- (5) No building, structure or premises which has been determined by the Building Inspector as unfit for use or occupancy and placarded as provided herein shall again be used or occupied until written approval is secured from and such placard is removed by the Building Inspector. The Building Inspector shall grant such approval and remove such placard in the event that the violations have been corrected and the Building Inspector determines that the building, structure or premises is now fit for use or occupancy.



XII. NONCOMPLIANCE, REMEDY OF DEFECTS.

- (1) The owner, occupant or operator of any building, structure or premises shall have the time as specified in the notice under Sec. X to remedy the violations specified in such notice.
- (2) In the event the Building Inspector shall determine in his/her discretion that the owner, occupant or operator is within such time making a good faith effort to correct the violation, he/she may extend the time for compliance.
- (3) If the owner, occupant or operator of building, structure or premises shall fail or refuse after notice and order of the Building Inspector to remedy the violations specified in such notice, the Building Inspector shall issue a Code Violation Citation for a Municipal Court appearance.

- XIII. TRANSFER OF OWNERSHIP OF NONCOMPLYING BUILDINGS. No owner of any building, structure or premises who has received a compliance order or upon whom a notice of violations has been served shall sell, transfer, mortgage, leave or otherwise dispose of to another until the provisions of the compliance order or notice of violation has been complied with or until such owner shall first furnish to the Building Inspector a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

#### XIV. MAINTENANCE OF STRUCTURES, PREMISES AND ACCESSORY BUILDINGS.

- (1) SCOPE. The provisions of this section shall govern the conditions for maintenance of those structures, premises and accessory buildings within the Town of Waterford not covered in Sections I - XIII, including, but not limited to, commercial and industrial structures, premises and accessory buildings.
  - (2) ADOPTION OF SECTIONS.
    - A. The following sections shall be made a part herein, incorporated herein and shall apply to all structures, premises and accessory buildings subject hereto:
      - I. Unsafe and Unsanitary Buildings
      - III. Definitions
      - VIII. Inspection by Building Inspector
      - IX. Administrative Provisions
      - X. Notice
      - XI. Placard on Buildings
      - XII. Noncompliance, Remedy of Defects
      - XIII. Transfer of Ownership of Noncomplying Buildings
    - B. The sections listed in part (a) are for the purpose of establishing standards for structures, premises and accessory buildings subject hereto and does not replace or modify the standards otherwise established for the construction, replacement, repair or use of buildings contained in Chapter 9 (Nine) or the Municipal Code or other applicable ordinance, statute or regulation.
3. MAINTENANCE OF VACANT STRUCTURES AND LAND.
- (A) Clean and Sanitary. All vacant structures, premises and accessory buildings and yards connected thereto shall be maintained in a clean, safe and sanitary conditions.
  - (B) Exterior Maintained. The exteriors of the vacant structures, premises and accessory buildings must be maintained in the same manner as if they were in use so as not to cause a blighting effect on the neighborhood.
  - (C) Sanitary.
    1. Owner's Responsibility. The owner shall have the responsibility for maintaining all structures, premises and accessory buildings and yards:

- a. Free from rubbish, debris or material which might constitute a fire hazard.
  - b. Free from rodents or vermin or any food or other material which may attract rodents or vermin.
  - c. All such structures, except accessory buildings, shall be kept in a locked or closed condition so that they cannot be entered without an unlawful break-in.
2. Notice: Assessment. If after a reasonable notice the owner fails to maintain the property in a closed condition or free of material which can constitute a fire hazard or an attraction for rodents or vermin, the Building Inspector may request the Department of Public Works, either by Town Personnel or by contract, to correct the situation and charge the cost thereof upon the tax rolls of the property.
  - I. Any individual seeking a variance from the terms of this Ordinance must first file a written request with the Town Clerk at least 7 days prior to the next scheduled Town of Waterford Planning Commission meeting. The Town Planning Commission shall then hear and decide the request at its next meeting. The decision of the Town Planning Commission shall be final.
  - II. (ii) Non-compliance with the provisions of this Ordinance shall be subject to the penalties set forth in this Ordinance.

XV. PREMISES CONDITION.

(1) SANITATION

- A. All exterior property areas and premises shall be maintained free from any accumulation of rubbish or garbage.
- B. Every owner of any structure, premises or accessory building shall furnish the premises with adequate garbage and rubbish storage and disposal facilities.

(2) PREMISES LANDSCAPED, DRAINED AND GRADED.

- A. Required Maintenance. Every premises shall be graded and drained so no stagnant water will accumulate or stand on the premises or within any building or structure located on the premises and every premises shall be continuously maintained in a sanitary, erosion free and dust free condition by suitable landscaping with grass, trees, shrubs or other planted ground cover; by paving with asphalt, concrete; or by such suitable means as shall be approved by the Building Inspector.
  - B. Leased Premises. Where a premises is leased from the owner, the continued maintenance of the premises in the above condition shall also be the responsibility of the lessee.
  - C. Enforcement. Whenever a premises is not in compliance with par. (a) the Building Inspector shall give 30 days notice to the owner or owners or the agent of such owners and the lessee, if any, of the premises to correct the violation. If such violation is not corrected, the Building Inspector shall have the power and hereby is authorized and directed, after the expiration of such 30 days notice and noncompliance therewith, to cause such premises to be landscaped, seeded and/or sodded, as necessary, by the Department of Public Works at the expense of the owner.
  - D. New Construction. All yards or premises shall be suitably graded and landscaped so as to comply with this subsection within 2 years after completion of construction of the principal building.
3. PUBLIC AREAS. All sidewalks, steps, driveways, parking spaces and similar paved or gravel areas for public use shall be kept in a proper state of repair and free of all debris.
4. FENCES. Every fence shall be maintained in a good state of repair.

## XVI. EXTERIOR STRUCTURE.

- (1) **GENERAL.** The exterior of the structure or accessory building shall be maintained in a structurally sound and sanitary manner.
- (2) **STRUCTURAL MEMBERS.** All supporting structural members of all structures shall be kept structurally sound, free of deterioration and maintained, capable of safely bearing the dead and live loads imposed upon them.
- (3) **ALL EXTERIOR SURFACES.** Every foundation, exterior wall and roof shall be weather tight, watertight, rodent-proof and insect-proof and shall be kept in a good state of maintenance and repair.
  - (A) Wooden Surfaces Protected. All exterior wood surfaces shall be reasonably protected from the elements and against decay.
  - (B) Ferrous Metal Surfaces Protected. All ferrous metal surfaces shall be properly surface-coated when required to prevent deterioration.
  - (C) Cornices, Entablatures, Etc. All cornices, entablatures, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
  - (D) Outside Appurtenances. All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. They shall be protected from the elements and against decay and rust by the periodic application of a weather coating material, such as paint or other protective treatment.
  - (E) Chimneys and Supplied Smoke Pipes. Every chimney and every supplied smoke pipe shall be adequately supported, reasonably clean and maintained in a reasonably good state of repair.
  - (F) Stairways.
    1. Every inside and outside stairway, every porch and every appurtenance thereto shall be constructed as to be reasonably safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and in a reasonably good state of maintenance and repair.
    2. Every exit from every structure or accessory building shall comply with the following requirements:

- a. It shall be unobstructed at all times.
- b. All exit stairways of more than 3 risers shall have at least one handrail and all stairways which are 5' or more in width or which are open on both sides shall have a handrail on each side. Stairways which are less than 5' in width shall have a handrail on the left hand side as one mounts the stairs on the open side, if any.
- c. All handrails shall not be less than 30" vertically above the nose of the stair treads and not less than 36" above the stairway platforms.
- d. Every stairway of every structure or accessory building shall be provided with convenient light switches controlling adequate lighting system which may be turned on when needed.

(4) WINDOWS, DOORS AND BASEMENT HATCHWAYS.

- A. In Good Repair. Every window, exterior door and basement hatchway shall be reasonably weather tight and rodent proof and shall be kept in a reasonably good state of maintenance and repair.
- B. Openable Windows. Every window other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware.
- C. Insect Screens.
  1. Every window required for ventilation, including bath and toilet room, shall be supplied with approved screening covering at least 33-1/3% of window area, except that such screens shall not be required for window areas above the fifth floor.
  2. Every structure having 2 or more basement windows shall have at least 2 window screens which cover the entire window. Where there is only one basement window, it shall be similarly screened. Such screens shall have a wire mesh of not less than number 16.
- D. Door Hardware. Every exterior door, door hinge and door latch shall be maintained in good condition. Door locks shall be in good repair and capable of tightly securing the door.

- (5) ROOFS; RAINWATER DRAINAGE. All water shall be conveyed and drained from every roof so as not to cause dampness or damage to the exterior or interior of the structure. Such water shall be drained and directed in a manner which will in no way damage the adjoining premises.

## XVII. INTERIOR STRUCTURE.

1. GENERAL. The interior of a structure and its equipment shall be maintained structurally sound, not showing any evidence of deterioration which would render them incapable of carrying the imposed loads.
- (2) STRUCTURAL MEMBERS. The supporting structural members of every building shall be maintained structurally sound, not showing any evidence of deterioration which would render them incapable of carrying the imposed loads.
- (3) INTERIOR SURFACES.
  - a. To Be Clean. Every interior partition, wall, floor and ceiling shall be kept in a reasonably good state of repair and maintained so as to permit them to be kept in a clean and sanitary condition.
- (4) FREE FROM DAMPNESS. In every building, cellars, basements and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure.
- (5) SANITATION. The interior of every structure shall be maintained in a clean and sanitary condition, free from any accumulation of rubbish, refuse or garbage. Rubbish, garbage and other refuse shall be properly kept inside temporary storage facilities as required.
- (6) INSECT AND RODENT HARBORAGE. All structures shall be kept free from insect and rodent infestation and where insects or rodents are found, they shall be promptly exterminated by acceptable processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.
- (7) EXIT FACILITIES. All exterior stairs and railings and other exit facilities of every structure shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped or loose. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting the anticipated loads.



XVIII. PENALTY. Any person who shall violate any provision of Ordinance or any regulation, rule or order made hereunder shall be subject to a penalty as provided in Section 11.08(1) of the Town's Municipal Code. Each violation and each day a violation continues or occurs shall constitute a separate offense. This section shall not preclude the Town from maintaining any appropriate action to prevent or remove a violation of this Chapter.

7.06 LAND IN COMMON OR PUBLIC OWNERSHIP.

Semi-private land, in common ownership by an area's property owners or publicly owned land, may, in no way, be used by any individual owner or resident or other people for parking and/or storage of any vehicles, boat, snowmobile, trailer or like item or for storage or deposit of any private goods or wastes(except in an officially designated parking area); nor may such land be used to cultivate or harvest any vegetation or trees by any individual property owner or resident of the area or other persons. Non-compliance with these provisions shall be subject to either a forfeiture not to exceed \$200.00 per day, with each day of violation being a separate offense or incarceration in the Racine County Jail for non-payment, not to exceed 8 days. The Township is also permitted to proceed by injunctive proceedings in Racine County Circuit Court.

## **(8) CHAPTER 8**

### **HIGHWAYS AND ROADS**

8.01 Road Construction and Platting

8.02 Road Openings

8.03 Obstruction of Roadways

8.04 Ditches and Culverts

8.05 Obstruction of Ditches and Culverts

8.06 Obstruction With Satellite Reception

## 8.01 ROAD CONSTRUCTION AND PLATTING

### (1) Subdivisions, Plats and Roads.

- (A) No plat of any proposed subdivision within Town limits shall be accepted or approved by the Town of Waterford pursuant to Chapter 236 of the Wisconsin Statutes and in the manner provided for under applicable provisions of the Racine County Land Division Control Ordinance incorporated herein, unless the roads and highways proposed for such subdivision are consistent with and conform to the control provisions contained in the Land Division Control Ordinance relating to streets, highways, right-of-ways and access ways and any other applicable state, county and local laws and regulations.
- (B) No plat of any proposed subdivision shall be accepted or approved by the Town of Waterford unless it provides that all roads and highways shown thereon shall be at least 66 feet (4 rods) in width.
- (C) No new road or highway not a part of a Subdivision and not existing prior to August 10, 1959, shall be accepted as a Town road unless the road or highway is at least 66 feet (4 rods) in width unless waived by the Town Board.
- (D) The regular monthly meeting has adopted Section 349.106. (1)(c) of the Wisconsin Statutes

### (2) Old Roads.

- (A) No road or highway existing prior to August 10, 1959, and whether or not the road or highway is part of or is located within a recorded or unrecorded subdivision or platted area, shall be accepted by the Town of Waterford as a Town road or laid out as such in accordance with applicable provisions of the Wisconsin Statutes unless the road or highway is at least 49-1/2 feet (3 rods) in width. This minimum width of 49-1/2 feet may be waived by the Town Board for cause shown.
- (B) Prior to the acceptance of a road as a Town road under this Subsection, the owner or petitioner shall enter into an agreement or contract with the Town all the requirements set forth below in Subsection 3 of this Section will be adhered to with the following exceptions:
  - 1. The right-of-way allowance for all such roads shall be minimum of 49-1/2 feet. This minimum width of 49-1/2 feet may be waived by the Town Board for cause shown.
  - 2. There shall be a minimum of 36 feet in width from the bottom of the center ditch lines on each side of the road. The road bed shall be at

least 22 feet in width and shall be surfaced with at least 4 inches of gravel, or other material that the Town Board may request, after compaction.

- (1) Construction of Roads and Highways. Prior to the approval or acceptance of a Subdivision plat or acceptance of a road as a Town road as provided in this Section, the subdivider, owner or petitioner shall enter into a contract or agreement with the Town providing that the roads and highways contemplated will be constructed at the expense of the subdivider, owner or petitioner in strict accordance with the provisions of the Racine County Land Division Control Ordinance and any State and local ordinances pertaining thereto, pertaining to streets, highways, right-of-ways and access ways and also in compliance with the following substantive and procedural requirements:

- (A) The right-of-way allowance for all such roads shall be a minimum of 66 feet.

- (B) The center of the roadbed is to be the center of the land dedicated for highway purposes. There shall be a minimum of 40 feet in width between the bottom of the center ditch lines on each side of the road. The roadbed shall be at least 26 feet in width and shall be surfaced with at least 8 inches of gravel or other material that the Town Board may require after compaction. In the alternative, roadbed may be 20 feet in width covered with 6 inches of crushed stone with 3 feet wide gravel shoulders on each side of the road. The drainage ditches on each side of the road shall have at least a 2-foot slope for each foot of depth. Top soil, sod and vegetation shall be stripped and removed from the roadway section to a depth of either 6 or 8 inches, depending upon which of the above alternatives is employed, before placing gravel or stone. Soft, mucky soil, peat materials and similar unsuitable materials shall be removed to a depth of 18 inches below sub-grade and then replaced with sound fill materials. If additional gravel or stone is required before final acceptance because of improper placement, grading, compacting or settling, the same shall be furnished and installed to the satisfaction of the Town Board. No new road and/or highway not existing June 10, 1975 shall be accepted by the Township unless the same is surfaced with four (4) inches of blacktop and 10 inch gravel base, unless waived by the Town Board for cause shown.

- (C) The subdivider, owner or petitioner desiring acceptance of a Town road shall submit proper legal descriptions of all proposed roads to the Town Board and proof of ownership thereof, together with profiles and cross-sectional drawings indicating to the approval of the Town Board, that the roads will be constructed in accordance with the requirements of this code. Upon approval by the Town Board of the lines and grades of the proposed roads, the roads shall be constructed to a permanent line and graded to accommodate all future street improvements.

- (D) When initial grading operations are completed on any proposed Town road and prior to the placement of any gravel, the Town Board shall be notified at least seven (7) days in advance to inspect the site and determine the type of treatment required to maintain slopes.
- (E) On dead-end roads, a turn around or cull de sac of not less than 130 feet in diameter shall be provided which shall be graded, sloped and surfaced in the same manner as required for roadways.
- (F) Whenever the contours of the land make it necessary that drainage or surface waters be carried across any road, lane, highway or other public way, a culvert, approved as to size and length by the Town Board, shall be installed by and at the expense of the subdivider or owner.
- (G) Street signs and guardrails, where necessary or required, shall be obtained and placed along the roadway by the Town at such locations as are ordered by the Town Board. The cost of obtaining and placing the same shall be paid by the subdivider, owner or petitioner.

4. Final Acceptance of Subdivisions and Roads.

The Town Board, as a condition precedent to the acceptance of the subdivision and roads as provided in this Section, may require the subdivider or owner to file a performance bond with the Town Clerk to guarantee compliance with the terms and conditions of the contract specified in subsection 3 above.

## 8.02 ROAD OPENINGS REGULATED.

- (1) Permit Required. No person shall make any opening into, alter or disturb any public road, highway, or public road right-of-way within the Township of Waterford for any purpose without first obtaining a written permit from the Township of Waterford. Application for said permit shall contain the name and address of the applicant, the name and address of the person or persons who will be doing the work, the location of the proposed opening or disturbance, and the purpose for which the opening will be made. Such application shall be signed by the applicant or his authorized agent.
- (2) Fee Required. Each application shall be accompanied by a non-refundable fee of One hundred(\$100.00) dollars.
- (3) Performance Bond Required. Each application shall be accompanied by a cash performance bond in the amount of One thousand dollars(\$1,000) to secure the obligations of the applicant hereunder. Said bond shall be held by the Township of Waterford for a period of not less than fifteen (15) months. No permit shall be issued without said bond except by action of the Town Board.
- (4) Work Authorized. Any opening into a public highway or road shall be made by saw cutting. All excavated material shall be removed with the least possible damage to the surrounding area and placed so as not to interfere with traffic or drainage. Such opening shall be protected by barricades, and lanterns or flares shall be maintained upon the location during hours of darkness.

In the case of roads or highways paved with asphalt or concrete, all excavated materials shall be removed from the site. Openings in all paved roads or highways shall be backfilled with traffic bond, pea gravel, or slurry as specified on a case-by-case basis by the Township of Waterford Department of Public Works. Any asphalt or concrete surface shall be replaced in kind matching the existing thickness of the surrounding area, but in no case shall it be less than three (3) inches of hot mix asphalt pavement or seven (7) inches of concrete pavement. Asphalt and/or concrete material shall conform to the State of Wisconsin Standard Specifications for Road and Bridge Construction. Compaction of all granular backfill and/or spoil backfill placed in any public road, highway, or public road right-of-way shall be required.

When unloading construction equipment, if it is unloaded on a Town road, pads, or another protective covering, must be placed on the roadway so that when the equipment comes down, it does not damage the road. In the event that the equipment does damage a Town road, any and all costs necessary to rectify said damage shall be the responsibility of the owner of the equipment or his agents to repair the damages to the Town road. This ordinance does not apply to State or

County roads. Failure to comply with this ordinance shall result in a forfeiture of \$500.00 per piece of equipment that causes damage to the road.

- (5) Inspection of Work. The Township of Waterford or its agents shall inspect the site before commencement of the work and shall inspect all materials and work furnished or performed hereunder. A final inspection shall be required at the expiration of the guarantee period and prior to any refund of the cash performance bond. The permittee or his agent or contractor shall be responsible for notifying the Township and requesting inspections in a timely manner.
- (6) Guarantee Period. Upon completion of the work the permittee or his agent shall maintain the area in a condition which shall be equal to or better than the condition prior to commencement of the work for a period of not less than fifteen (15) months.
- (7) Default. In the event that permittee or his agent shall be in default of any of the provisions of this ordinance, the Township, by its employees, or by contracts let to third parties, may cause all such work to be completed and apply the security provided herein toward such costs.
- (8) Penalty. Any person violating the provisions of this section shall upon conviction be fined not less than \$50.00 nor more than \$500.00 together with the costs of prosecution, and in default of payment thereof shall be imprisoned in the county jail for a period not to exceed 4 days. Each day that this section is violated shall constitute a separate and distinct offense.



### 8.03 OBSTRUCTION OF ROADWAYS.

- (1) No person shall place snow, ice, leaves, equipment, trailers, vehicles, materials, or other tangible personal property upon a public road and/or its right-of-way in a manner that creates a hindrance or probable hindrance to vehicular or pedestrian traffic thereon. Any person violating this section shall forfeit not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00), plus costs of prosecution. For failure to pay the same such person shall be imprisoned in the County Jail for a period not to exceed eight (8) days.

#### 8.04 DITCHES AND CULVERTS

- (1) Prior to the issuance of a Building Permit, the owner of a building site must file an application with the Town Building Inspector, on a form provided by the Township, for a Culvert and Ditch Permit, to be issued by a member of the Town Department of Public Works. At the time of application, a permit fee, which may be refundable, in the amount of \$1,500 shall accompany said application and said moneys shall be deposited, by the Building Inspector, into an earmarked Town account, labeled "Ditch and Culvert Account."
- (2) The \$1,500 shall be used to guarantee the following:
  - A. The owner shall construct and improve said ditch/culvert to the standards deemed necessary by the Department of Public Works and/or the Town Engineer. Said standards may include placement and construction of the culvert and ditch to the satisfaction of the Township; seeding and/or sodding; proper grading; the potential placement of stone; elimination of potential obstructions; a pre-approved grading plan and pre-approved building elevation plan; and any and all other standards deemed necessary for proper placement and maintenance of the same.
  - B. Upon satisfactory installation of said culvert and ditch and surrounding areas, the Department of Public Works shall issue a Certificate of Compliance.
  - C. In any circumstances, the Town shall deduct the sum of \$100 for Town administrative review and inspection costs. In the event the Department of Public Works deems it necessary to enlist the services of the Town Engineer or Town Attorney, the charges incurred by the Township for the same shall be deducted from the \$1,500 deposit. Further, in the event the owner or his agents have caused damage to the surrounding Town property, any and all costs necessary to rectify said damage shall be made by either the Department of Public Works or the Town Engineer. All remaining funds shall be returned to the owner upon issuance of the Certificate of Compliance, without interest, by the Town Clerk.
  - D. In the event the Certificate of Compliance is not issued, through the fault and/or delay of the owner, within one year from the date of the application, all moneys on deposit shall be forfeited to the Town of Waterford.
  - E. Prior to final restoration/installation of the driveway surface and prior to final seeding or sodding of the ditch area, approval of the elevation and size of the driveway culvert shall be performed either by the head of the DPW, or at his discretion, by the Town Engineer at his actual cost which may, if funds permit, be deducted from the ditch bond.

## 8.05 OBSTRUCTION OF DITCHES AND CULVERTS.

1. It shall be unlawful for any person to fill or obstruct any ditch or culvert, alongside or underneath any Town or public road, with any dirt or debris whatsoever. This Section shall be interpreted and construed to prohibit any person from cultivating, plowing or removing soil from his land in a manner that obstructs or fills any ditch along or underneath a Town road or public highway.
2. Penalty. Any person violating a provision under this Section shall forfeit not less than twenty dollars (\$20.00) nor more than two-hundred dollars (\$200.00) plus the costs of prosecution. For failure to pay the same such person shall be imprisoned in the County Jail for a period not to exceed 8 days.

## 8.06 OBSTRUCTION WITH SATELLITE RECEPTION

- (1) No person shall plant, or allow the continued growth of trees, bushes or other vegetation or erect a structure which will interfere with the reasonable and normal reception of any satellite dish erected and in operation before the planting of said tree, bush or other vegetation.
- (2) Upon complaint of the owner of said satellite dish and upon the production of evidence showing the interference with reception, the building inspector shall inform the owner of the tree, bush, vegetation or structure of the interference with the reception and said individual shall have thirty(30) days to remove said interference.
- (3) Penalty. Failure to comply with this ordinance shall result in a forfeiture not less than \$75.00 nor more than \$200. Failure to pay said forfeiture shall result in incarceration in the Racine County Jail not to exceed four(4) days. Each day of violation shall be a separate offense.

**(9) CHAPTER 9**  
**BUILDING AND CONSTRUCTION CODE**

- 9.01 Title
- 9.02 Purpose
- 9.03 Personnel
- 9.04 Notice of Violation and Order
- 9.05 Stop Work Order
- 9.06 Occupancy Permits
- 9.07 Building Code
- 9.08 Electrical Code
- 9.09 Plumbing Code
- 9.10 Swimming Pools
- 9.11 Removal and Razing of Buildings
- 9.12 Permit Requirements and Fees
- 9.13 Uniform Numbering System
- 9.14 Form Contracts
- 9.15 Enforcement
- 9.16 Miscellaneous Provisions

## 9.01 TITLE.

This Chapter shall be known as the "Building and Construction Code of the Town of Waterford."

## 9.02 PURPOSE.

The purpose of this Chapter is to provide certain minimum standards, provisions and requirements for the safe and stable design, methods of construction and uses of materials in buildings and structures hereafter erected, remodeled, constructed, demolished and moved, to regulate the use of man-made systems of water and sewage and to regulate the equipment, maintenance, use and occupancy of all buildings, structures, and supporting lands.

### 9.03 PERSONNEL.

1. Building Inspector. The Building Inspector shall be appointed by the Chairperson and approved by the Town Board and is vested with the authority and responsibility to enforce the building code of this Chapter.
2. Electrical Inspector. The Electrical Inspector shall be appointed by the Chairperson and approved by the Town Board and is vested with the authority and responsibility to enforce the electrical code of this Chapter.
3. Plumbing Inspector. The Plumbing Inspector shall be appointed by the Chairperson and approved by the Town Board and is vested with the authority and responsibility to enforce the plumbing code of this Chapter.
4. Powers and Duties.
  - (A) It shall be the duty of the respective inspectors to enforce the respective provisions of this Chapter over which they have authority. They shall perform all inspections and make all tests in accordance with their respective provisions of this Chapter, shall investigate all complaints over which they have authority, and maintain all records as may, from time to time, be required by the Town Board.
  - B. The respective Inspector shall have the powers necessary to enforce the respective provisions of this Chapter. Such powers include, but are not limited to, access to any structure or premise, upon showing of his/her proper credentials between 6:00 a.m. and 8:00 p.m. for the purpose of performing his/her duties, the power to prohibit the use of any facility which is in violation of his/her respective section, the power to order any person, firm, or corporation who violates any of the provisions of his/her respective section to cease and desist from such action, the power to condemn facilities for such violation and the power to certify applications for permits to be issued pursuant to the provisions of his/her respective section.
  - C. The respective Inspectors shall, further, make necessary recommendations to the Town Board, cooperate with local, county and state personnel in county and state programs affecting his/her respective area of Authority and in the enforcement of local, county and state laws and regulations pertaining thereto, and shall when necessary, request assistance and cooperation from these local, county, and state personnel.



#### 9.04 NOTICE OF VIOLATION AND ORDER.

1. Whenever an Inspector determines that there has been a violation of this Code, he/she shall give written notice of such violation or alleged violation to the owner of record of the property or his/her agent. Such notice, in a format approved by the Town Board, shall include either the street address or description of the real estate, a statement of the alleged violation and an order to take remedial action to correct said violation. Said notice and order shall allow from one week to six months, at the discretion of the respective inspector, as the time limit for said remedial action to be taken.
2. This notice may be served personally upon the owner or his/her agent or by leaving thereof at his/her usual place of abode in the presence of a family member, 14 years of age or older, who shall be informed of the contents thereof, or by sending a copy thereof by registered mail with return receipt requested to his/her last known address, or, if the registered letter is returned showing that it had not been delivered, by posting a copy thereof in a conspicuous place in or about the building or lands affected by said notice.
3. If the remedial action ordered by said notice and order has not been performed within the required time limits, the respective Inspector shall notify the Town Attorney or the Police Department of said fact and shall leave with them a copy of said notice and order. The Town Attorney or the Police Department shall then proceed to take the necessary steps for the prosecution of the matter in a manner that they may see fit.

## 9.05 "STOP WORK" ORDER

Whenever any building, structure or part thereof is being built, or work is being performed in violation of this Chapter, the respective Inspector shall attach to the building or post in at least two conspicuous places an order to Stop Work on such building or improvement until the person who issued such order shall in writing release such order. Commencing at the posting of a stop work order, all building permits having been issued by the Town shall become null and void until such order is released. Any person, company or corporation who shall remove a stop work order from any structure or improvement or shall continue to work, before receiving written permission of the person posting such order, shall be deemed in violation of this Section. Each and every day or portion thereof during which any violation of this Section is committed, continued or permitted shall be deemed a separate offense against this section, and shall be subject to penalties as stated in Section 9.15(5).

## 9.06 OCCUPANCY PERMITS.

In issuing said permit, the Building Inspector shall be guided by the respective provisions of this Chapter. Any violation of any section of this Chapter shall be grounds for refusal to issue said permit. If the Building Inspector finds alleged violations he/she shall refuse to so certify and shall notify the appropriate Inspector and the Town Clerk. The appropriate Inspector shall then proceed under Section 9.04 and, when the violation is corrected, shall so certify that fact to the Town Clerk. When all of the violations have been certified as corrected, the Town Clerk or Building Inspector shall issue said permit.

## 9.07 BUILDING CODE.

(1) Uniform Code Adopted. The Town hereby adopts the Southeastern Wisconsin Uniform Building Code (UBC) along with all amendments and revisions as may be from time-to-time adopted. The Town hereby also adopt the Wisconsin Uniform Dwelling Code(UDC) along with all amendments and revisions as may be from time-to-time adopted. The Town also adopts DILHR Chapters 50-74 of the Wisconsin Administrative Code, as amended.

(2) Application of Code.

(A) All buildings and structures hereafter erected, repaired, moved or demolished that are used or designed to be used for the purpose herein defined, shall comply in full with the requirements of this code.

(B) Zoning Laws. No provisions of this code shall be construed to repeal, modify or constitute an alternative to any lawful zoning regulations.

(C) New and remodeled Residences/Accessory Buildings/Garages.

1. One story residential structures on lands  $\frac{1}{2}$  acre or less, shall have a minimum square footage of 1,500 square feet.
2. One and one-half story residential structures on lands  $\frac{1}{2}$  acre or less, shall have a minimum square footage of 1,650 square feet with 1,000 square feet to be on the first level.
3. Two story residential structures on lands  $\frac{1}{2}$  acre or less, shall have a minimum square footage of 1,850 square feet.
4. 4 .One story residential structures on lands in excess of  $\frac{1}{2}$  acre shall have a minimum square footage of 1,650 square feet.
5. One and one-half story residential structures on lands in excess of  $\frac{1}{2}$  acre shall have a minimum square footage of 1,850 square feet with 1,200 square feet to be on the first level
6. Two story residential structures on lands in excess of  $\frac{1}{2}$  acre shall have a minimum square footage of 2,000 square feet.
7. This ordinance does not apply to existing Homes or their remodeling or reconstruction except upon Order of the Town Board, after notice and hearing.
8. Garages, Accessory Structure and Sheds.

- a. The maximum square footage for a private attached garage shall be 900 square feet. For purposes of this subsection, an attached private garage is defined as a garage attached to a private dwelling by a service door entrance that enters directly from the garage into a private dwelling. It may also be defined as a garage attached to the principal dwelling by an enclosed breezeway, porch or terrace, which breezeway, porch or terrace must be enclosed and not open.
- b. A single family dwelling, being on a parcel of land one acre or less in size, shall be limited to one attached garage or detached accessory structure, at a maximum of 900 square feet in size. A single family dwelling, located on a parcel of land greater than one acre but less than three acres, shall be limited to one attached garage and one accessory structure not including storage sheds.
  - b. (1) A storage shed shall be defined as an accessory building and shall be limited to 180 sq. ft. or less in size. Single family dwellings located on a parcel of land three acres or less shall be limited to one storage shed. A two family dwelling on a parcel of land three acres or less in size shall be limited to two storage sheds.
- c. Any two family dwelling being on a parcel of land, less than three acres shall be limited to one attached garage or one detached accessory structure per unit.
- d. Any two family dwelling being on a parcel of land three acres or more shall be limited to two garages and one accessory structure.
- e. All garages, accessory structures, storage sheds and temporary structures must otherwise conform to Town of Waterford and County of Racine ordinances.

The provisions and limitations herein shall apply with equal force and effect to remodeling and alteration into a residence of any existing building not previously primarily and legally occupied as such.

(D) Existing Buildings. This Code shall also apply to buildings and conditions described in this Section.

- 1. An existing building to be occupied as a one or two family dwelling, which building was not previously so occupied.
- 2. An existing structure that is altered or repaired, when the cost of such alteration or repair during the life of the structure exceeds fifty per cent (50%) of the equalized value of the structure, said

value to be determined by the Town Assessor.

3. Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the Building Inspector shall comply with the requirements of this code for new buildings. The provisions of paragraph 4 also apply. Further, any remodeling which results in the square footage of the structure to be increased, shall require that the minimum square footage of the existing structure and any addition shall total a minimum of 1,250 square feet.
4. Roof Coverings. Whenever more than twenty-five per cent (25%) of the roof covering of a dwelling is replaced in any twelve month period, all roof covering shall be in conformity with applicable sections of this code.
5. Additions and Alterations. Any addition or alteration, regardless of cost, made to a dwelling, shall be made in conformity with applicable sections of this code.

(E) Alterations and Repairs. The following provisions shall apply to buildings altered or repaired.

(F) Pole Building and Like Structures

Accessory structures greater than 900 sq. ft. are prohibited on properties when the subject property is three (3) acres or less in size.

1. Alterations. When not in conflict with any regulations, alterations to any existing building or structure, accommodating a legal occupancy and use of non- conforming type of construction, which involves either the structural members of floors or roofs, beams, girders, columns, bearings, or other walls, room heating and air conditioning systems, arrangements, light and ventilation, changes in location of exit stairways or exits, or any or all of the above, then such existing construction shall be made to conform to the minimum requirements of this code applicable to such occupancy and use and given type of construction.
2. Repairs. Repairs for purposes of maintenance, or replacements in existing building or structure which do not involve the structural portions of the building or structure, or which do not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which do not increase a given occupancy and use, shall be deemed minor repairs.

3. Alterations/When Not Permitted. When any existing building or structure, which for any reason whatsoever does not conform to the regulations of this code, has deteriorated for any cause whatsoever to an extent greater than fifty per cent (50%) of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises.
  4. Alterations and Repairs Required. When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such building or structure shall cause such structural members to be restored to their required strength; failing in which the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this code are complied with.
  5. Extent of Deterioration. The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector or Tax Assessor.
  6. Use of Unsanitary Building. It shall be unlawful to occupy or use or permit the occupancy or use of any building or structure that is unsanitary or dilapidated, or deteriorated, or out of repair, thereby being unfit for human habitation, occupancy, or use until the regulations of this code have been complied with.
3. Building Permits.
- A. Permits Required. No building or structure or any part thereof shall be built, enlarged, altered, or changed, except as herein provided, unless a permit for such purpose is first obtained by the owner of the property or his/her agent from the Building Inspector in accordance with the provisions of this Chapter.
  - B. Application. Applications for a permit under this section shall be submitted to the Building Inspector and shall contain the following unless waived by the Building Inspector:
    1. Survey. One copy of a survey shall be prepared and certified by a Surveyor registered in the State of Wisconsin. The survey submitted shall be dated and shall set forth the information enumerated below:

- Location and dimensions of all buildings on the lot, both existing and proposed.
- Dimensions of the lot.
- Dimensions showing all set-backs of all buildings on the lot.
- Proposed grade of proposed structure to Town datum.
- Grade of lot and road opposite lot.
- Grade and set-back of adjacent building.
- If adjacent lot is vacant, elevation of next nearest building on same side of road.
- Type of monuments at each corner of lot.
- Water courses or existing drainage ditches.
- Seal and signature of the surveyor.

2. Plans and Specifications. Three complete sets of plans and specifications drawn to a scale of not less than one-quarter inch per foot, on paper or cloth in ink, or by some other process that will not fade or obliterate. All dimensions shall be accurately figured and any drawings that do not show necessary detail shall be rejected. A complete set of plans for residential construction shall disclose and consist of:

- All elevations
- All floor plans
- Complete construction details
- Fireplace details showing cross-section of fireplace and flues.
- Plans of garage when a garage is to be built immediately, or location of garage when it is built at a later date.
- present and proposed grades of lot and of immediate adjoining property sufficient to indicate surface water drainage before and after grading.
- Any other plans and specifications that the Town Building Inspector may from time to time demand.

(C) Unusual Construction Design. When applications for unusual technical design or magnitude of construction are submitted, the Building Inspector shall refer all plans and specifications to the appropriate division of the Wisconsin Department of Industry, Labor and Human Relations, if required by law, or to the Town Planning Commission with recommendation for final action by the Town Board for analysis and recommendations as to the safety of design and construction to insure compliance with applicable laws and regulations.

(D) Waiver of Some Requirements. At the option of the Building Inspector,



plans, data, specifications, and survey need not be submitted with an application for permit to execute minor alterations and repairs to any building, structure or equipment, provided the proposed construction is sufficiently described in the application for permit.

(E) Seal of Registered Engineer or Architect.

All plans, data, and specifications for the construction of any building or structure or for any construction in connection with existing buildings and structures, other than one or two family residences, containing more than 50 thousand cubic feet total volume, submitted with an application for permit, shall bear the seal of a registered architect or registered engineer. The plans shall also be stamped as approved as required by the Industrial Commission of the State of Wisconsin. Such buildings or structures shall be constructed under the supervision of an architect or engineer who shall be responsible for its erection in accordance with the approved plans. No permit shall be granted for such structure unless such construction will be under the supervision of an architect or engineer, as required by Wisconsin Statutes. A written statement to this effect shall be filed by the architect or engineer, with the Building Inspector with the application for permit.

(F) Drainage.

1. Grading of Lots. The plans shall show the present and proposed grades of the lot on which it is proposed to erect the building or for which a building permit is sought and of the immediately adjoining property in sufficient detail to indicate the surface water drainage before and after the completion of grading. No permit shall be issued if the erection of the building and the proposed grades shall unreasonably obstruct the natural flow of water from the surface of adjoining property or obstruct the flow of any existing ravine, ditch, drain, or storm water sewer draining or neighboring property, unless suitable provisions are made for such flow by means of an adequate ditch or pipe which shall be shown on the plans and shall be constructed so as to provide continuous drainage at all times.
2. Storm Water Drains. No dwelling shall be erected nor shall existing provisions for conveyance of water from the roof of any dwelling be altered or replaced unless provision is made to convey water from the roof of the dwelling in such a manner that such water will not, directly or indirectly, pass thence into the sanitary sewer system. No storm water or surface water drains may be connected with the sanitary sewer system whether installed above or below the surface of the ground.

(G) Issuance of Permit.

1. Compliance with Applicable Law. If the Building Inspector finds that the proposed building or structure will comply in every respect with local, county and state laws and regulations, the Inspector shall certify that a building permit can be issued. All plans and specifications approved shall not be altered in any respect involving any of the above mentioned laws and regulations, or involving the safety of the building, unless, the Building Inspector has given written consent for such alteration or alterations and the consent is subsequently filed with the application. The issuance of a permit upon plans and specifications shall not prevent the Building Inspector from thereafter requiring the correction of errors in the plans and specifications or from preventing the building operations that are local, county or state laws and regulations.

2. Permit for Part of Building or Structure.

If adequate plans are presented, the Building Inspector may at his/her discretion certify that a building permit can be issued for part of a building, structure and improvement before plans and specifications for the entire building, structure and improvement are received. It shall be unlawful to commence any work on a building, structure and improvement before a building permit for such purpose has been issued.

3. Review by Other Inspector or Town Engineer/Town Attorney. The Building Inspector shall, when necessary in his/her absolute discretion, review the plans, specifications, and survey with the Town Electrical Inspector; the Town Plumbing Inspector or the Town Engineer/Town Attorney and shall not certify such for approval until he/she is satisfied that the above have also approved the same. If the services of the Town Engineer/Town Attorney are called upon in the opinion of the Building Inspector; Town Planning Commission; or Town Board, the applicant shall pay the reasonable charges of the same unless waived by the Town Board.
4. State Approval. If construction of a building or structure requires approval of the Department of Industry, Labor and Human Relations of the State of Wisconsin, no permit shall be issued until plans approved by such Department are received by the Building Inspector.

(G) Building Certification.

1. If the Building Inspector finds that the proposed building will comply in every respect with all laws of the State of Wisconsin, and lawful orders issued pursuant thereto, he/she shall certify that a building permit can be issued. After being approved, the plans and specifications shall not be altered in any respect which involves laws

or orders, or which involves any of the above mentioned ordinances, laws or orders, or which involves the safety of the building, except with the written consent of the Building Inspector filed with such application.

2. In case adequate plans are presented, the Building Inspector, at his/her discretion, may certify a part of the building before receiving the plans and specifications of the entire building. It shall be unlawful to commence work on any building or alteration before the building permit has been issued. The issuance of a permit upon the plans and specifications shall not prevent the Building Inspector from thereafter requiring the correction of errors in said plans and specifications or from preventing building operations from being carried on thereunder when in violation of any ordinances of the municipality or laws of the State of Wisconsin or lawful orders issued pursuant thereto.
4. For the construction of buildings requiring approval of the State Industrial Commission, no permit shall be issued until such approved plans are received by the Building Inspector.

(H) Inspector May Revoke Permits.

1. The Building Inspector may revoke any permit, certificate of occupancy or approval issued under the regulations of this code and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliance for any of the following reasons:
  - a. Whenever there is a violation of any regulation of this code or any other ordinance, law, or lawful orders or Wisconsin Statute relating to the same subject matter.
  - b. Whenever the continuance of any construction becomes dangerous to life or property.
  - c. Whenever there is any violation of any condition or provisions of the application for permit, or of the permit itself.
  - d. Whenever in the opinion of the Building Inspector there is inadequate supervision provided on the job site.
  - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications, or certified lot or plot plan on which the issuance of the permit or approval was based.

f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of any new materials, equipment, methods of construction devices, or appliances.

g. Whenever there is a violation of any of the conditions and/or requirements of Section 7.05 of this Code.

(l) Approved Plans.

1. A weather-proof card signed by the Town Building Inspector indicating that the permit has been issued shall be posted in a visible location at the job site during construction. After issuance of a building permit, the approved plans shall not be materially altered unless any proposed change is first approved by the Building Inspector as conforming to the provisions of the Building Code.
2. The building permit shall become void unless operations are commenced within 12 months from the date thereof, or if the building or work authorized by such permit is suspended at any time after work is commenced for a period of 60 days.
3. Before any work is commenced after the permit has lapsed, a new permit, at the discretion of the Town Board or Building Inspector, shall be issued at the regular rate. The work required to construct a new one or two family home shall be completed within 24 months from the date of issuance of the permit and for all other permits within 12 months.

(4) Inspections.

(A) Notification. Upon notification from the permit holder or his/her agent, required inspections of the construction of any buildings, structures or equipment shall be made as follows:

1. Inspection to determine if the location on the premises is in compliance with approved certified lot or plan of the premises and the terms of the permit.
2. Inspection to determine if the forms for footings are properly prepared prior to the pouring of materials.
3. Inspection of wall, floor, and roof framing, fire stopping and of all pipes, chimneys, ventilating and other ducts, shafts and equipment when in place shall be to code before any such work is covered,

enclosed or concealed by other construction.

4. Inspection of installed insulation prior to drywall.
5. An inspection prior to pouring concrete for basement floor to inspect subgrade, drain tile bleeders and stone/gravel base.
6. An energy inspection shall be conducted to check for adequate insulation requirements.
7. Final Inspection. Upon the completion of any building, structure, equipment, or construction for which a permit was issued and before the same is occupied or used, a final inspection shall be made by the Building Inspector, Plumbing Inspector and Electrical Inspector, and until such building, structure or equipment is in compliance with all the requirements of this code and terms of the permit, no occupancy shall be maintained. If the construction conforms to the requirements of this code, a Certificate of Occupancy shall be issued.

(B) Certified Report. The Building Inspector may require a certified report of all required inspections as regulated by this code from the registered architect or registered engineer supervising the construction of any building, structure or equipment requiring their supervision. Such certified report shall state in detail that all construction work has been executed in accordance with all of the regulations of this code, approved plans, specifications, terms of permit and data filed with the application for permit; and further that such construction work was executed in accordance with accepted architectural and engineering standard procedures.

(5) Certificate of Occupancy.

(A) Inspections.

1. The building Inspector shall make a final inspection of all new buildings. If no violations of this or any other ordinance be found the Building Inspector shall issue a Certificate of Occupancy, stating the purpose for which the building is to be used.
2. Until final inspection, no building, nor part thereof, shall be occupied until such certificate has been issued, nor shall any building be occupied in any manner which conflicts with the conditions set forth in the Certificate of Occupancy.

(B) Change. It shall be unlawful to change the use of any building, structure, premises, or part thereof without first obtaining from the Building Inspector

an approval of such change in the occupancy or use, and a Certificate of Occupancy.

(C) Hardship. The Building Inspector shall have power to permit the occupancy of any building or structure in the municipality, without there having first been obtained an occupancy permit, in all such cases of hardship as in his/her judgement and discretion warrant occupancy before the final stage of completion as set out in this Code. If such approval is given by the Building Inspector the building or structure may be occupied provided that the exterior of such building or structure is completed within 6 months of the date on which such permission was granted. Before granting said permission the Building Inspector shall confer with the other Inspectors to determine that all other sections of this Chapter are fully complied with. Said permission must be in writing and must be signed by the Building Inspector. When the building or structure is complete the standard Certificate of Occupancy shall be issued in accordance with the terms of this Chapter.

(6) For all dwellings on lots not served by the public sewer, the minimum setbacks are those set forth in the Racine County Zoning Ordinance.

(7) Sprinkler Systems.

(A) Any structure newly constructed, within the Township of Waterford, on or after September 11, 1989, which is larger than a two family dwelling unit and/or attached condominium, or, any existing building being remodeled or converted into a larger than two family dwelling unit or attached condominium, shall have installed in it, a functioning and operating sprinkler system prior to any occupancy of said structure.

(B) Said sprinkler system shall conform generally to the National Fire prevention Association rules. Said sprinkler system shall specifically include 2-3 inch dry standpipes to be placed by each stairways of said dwelling structure(s). There shall be 2-1/2 inch Fire Dept. connection to each standpipe located on the outside of said dwelling structure. There shall also be placed a 1-1/2 inch fire department connection to be installed on each floor of said structure(s), together with 150 feet of 1-1/2 inch fire hose with adjustable nozzles.

(C) The Fire Chief of the Tichigan Volunteer Fire Company shall have the authority to inspect any said dwellings structure(s) to determine if the sprinkler system requirements have been met. In the event that such conformity is found to be lacking, the Fire Chief shall notify the Town Building Inspector.

(D) Any individual failing to conform to the requirements of sub. (9) shall be

subject to the penalties of 9.15(5)

(8) Fire Walls.

- (A) PURPOSE. Pursuant to ILHR 52.25 and Section 101.135 of the Wisconsin Statutes, the Town Board declares its intent to establish uniform standards for the identification of fire division walls or occupancy separation walls of 2-hour fire resistive rating or greater of exterior buildings. For purposes of this ordinance, "Fire division wall or occupancy separation wall" means a wall extending from the lowest level to or through the roof and extending the full width or length of the building.

(9) footings.

(A) Subject to discretion of the Building Inspector, the building Inspector may require that the top of footings be re-certified prior to any footing inspection and prior to any material being poured on any new construction within the Town of Waterford.

- (B) Said re-certification shall be conducted in the manner authorized by the Building Inspector and may be subject to the approval of the Town Engineer, in the discretion of the Building Inspector.

I. SIGN REQUIREMENTS.

1. General. The required sign shall consist of three (3) circles arranged vertically on the exterior wall marking the location of the fire division wall or occupancy separation wall and centered on the fire division wall or occupancy separation wall. The circles may be affixed directly to the surface of the building or may be placed on a blackground material which is affixed to the building.
  2. Size of Circles. Each circle shall be the same size. The diameter of said circle shall be at least 1-1/2 inches, but no greater than 2 inches.
  3. Spacing. Said circles shall be spaced at equal distance apart. The maximum distance measured from the top of the uppermost circle to the bottom of the lowermost circle shall be 12 inches.
  4. Color. The color of the circles shall be limited to either the color red, amber (orange-yellow) or white (clear) and shall be reflective. The color of the circle shall contrast with the color of the background.
- II. LOCATION. The top of said sign shall be located on the face of the exterior wall of the building and located no more than 12 inches below the eave, roof edge, fascia or parapet.



## 9.08 ELECTRICAL CODE.

1. Administrative Code Adopted. The National Electrical Code, Volumes 1 and 2 of the Administrative Code of the State of Wisconsin, as supplemented and amended, relating to electrical work, and the rules and regulations issued by the State Administrative agencies pursuant to said Code and the Statutes relating thereto are hereby adopted as the Electrical Code of the Town.
2. Permits Required.
  - (A) No electrical equipment shall be installed, altered, renewed, replaced or connected without first procuring a permit therefor. Before overhauling existing installations or replacing work condemned by the electrical Inspector, a permit shall be procured. No permit shall be required for the repair, removal, disturbance or disconnection of any existing branch lighting circuit switches, socket, or receptacles.
  - (B) (1) Temporary Permits. Special permits for temporary work may be granted by the Electrical Inspector for the installation of openwork and exposed wiring, lights, power for building operations, display, decorative lighting, etc., for use for a limited period, subject to discontinuance and complete removal at expiration and to condemnation and revocation within such period. On applying for permit for temporary work a specified period of time which such wiring is to remain in service must be stated. Service shall be cut off at the end of this period and shall not again be connected without a written permission from the Electrical Inspector.
  - (B) (2) Temporary Installation. The person installing such wiring or equipment shall be directly and legally responsible and accountable for the safe condition of the installation at all times, and its complete removal at the end of the fixed temporary period, as set by the Electrical Inspector, or any time sooner when ordered by the Electrical Inspector. Carnivals, circuses, theatrical acts and exhibitions and all places of temporary outdoor assembly are included in the provisions of this subsection, and all electrical wiring and equipment therewith shall be installed, maintained and operated in a safe and workmanlike manner. All such electrical wiring and equipment shall be isolated from the public by proper elevation and guarding and all electrical fuses and switches shall be installed in approved enclosures. Cables laid on the ground in areas traversed by the public shall be protected by covers approved by either the Town Electrical Inspector, the Building Inspector or the Town Board.
  - (C) Emergency Work. The person doing such work shall report same to the Electrical Inspector within two days after beginning work and such work shall be done in accordance with this Chapter.

(D) Application. Applications shall be made in accordance with the provisions of this Chapter. No permit shall be issued unless the permit shall list all electrical work to be installed, replaced or modified.

(E) Inspection.

1. Upon Completion. Upon the completion of the wiring in or on any building, and before any wiring is to be hidden from view, the person doing the work shall notify the Electrical Inspector and the Inspector shall inspect the installation within 48 hours of the time such notice is received. If, upon inspection, it is found that the installation is in compliance with this code and does not constitute a hazard to life or property, he shall approve the same and authorize concealment of the wiring, or authorize the connection for electrical service. If the installation is incomplete or not strictly in accordance with this code, he shall issue orders to the person installing the same to remove all hazards and make the necessary changes or additions within 7 days. No person shall conceal any electrical work before inspection. If this subsection is violated, no further permits may be issued to the violator or additional electrical work performed until the case is reviewed by the Town Planning Board and this Chapter complied with any person violating this section shall also be subject to the penalties as found in 9.15(9).
2. Turning on Current. Current shall not be turned on for any electrical wiring until a certificate of inspection has been issued by the Electrical Inspector; provided, however, that in occupied buildings, where a permit for lighting fixtures has been issued, the Electrical Inspector may authorize the installation of meters for electric service after the wiring has been inspected and approved.
3. Turning Off Current. The Electrical Inspector shall cut off the electrical current from any equipment which is found to be in an unsafe condition, and no person shall re-connect any equipment thus cut off until written permission is given by the Electrical Inspector.
4. Additional Inspections. Where additional inspections are requested or required by the Town or owner of premises or where additional inspections are made necessary by reason of neglect to make corrections in work found faulty or defective at the time set for re-inspection, inspection fee shall be \$20.00 for each such additional inspection.
5. Inspections Where Plant Electrician Employed. Any person using electricity for light, heat or power and regularly employing an electrician to give his/her attention to the electrical equipment, shall

have his/her electrical installation inspected semi-annually.

6. Records Kept. A record shall be kept of all new installations and permanent alterations made during the period from one periodical inspection to the next, and shall be submitted to the Electrical Inspector whenever periodical inspection is made.

## 9.09 PLUMBING CODE.

1. Administrative Code Adopted. Sections ILHR82 and ILHR83 of the Administrative Code of the State of Wisconsin, as supplemented and amended, relating to plumbing fixtures and plumbing installations inside of buildings and structures, along with the rules and regulations issued by the State Administrative agencies pursuant to said Code and other Statutes relating thereto, are hereby adopted as the Plumbing Code of the Town and shall serve as minimum standards where this Ordinance does not provide a greater standard.
  2. Permit Required. No inside plumbing shall be installed without a permit being issued. Before a permit may be issued a plan of the building or structure in which the plumbing is to be installed showing the location of said plumbing and showing the type of materials and fixtures to be used, shall be submitted to and approved by the Plumbing Inspector. Permits shall be issued only to licensed master plumbers except that a permit may be issued to a property owner to install plumbing in a single family residence owned and occupied by such owner as his/her home. No permit to install new or additional inside plumbing shall be issued until and unless the water system and sewage disposal system have been inspected and approved in writing by the Sanitary Inspector.
  3. Inspections. It shall be the duty of the plumber in charge, or the owner to notify the Plumbing Inspector whenever any work is ready for inspection. All plumbing work shall be left exposed until such time as the Inspector has completed his/her examination and inspection. When, in the opinion of the Inspector a test is necessary, he may require a water or air test on any part of the entire installation. No dwelling shall be occupied until after a final inspection and approval by the Inspector.
- (A) The Town Planning Commission shall decide all applications for variances as provided in subsection (B) and/or (C) below.
- (B) Variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed and substantial justice done. No variance shall have the effect of permitting any use where prohibited by the district, floodland or shoreland regulations; nor of permitting standards lower than those required by the Wisconsin Statutes, the Wisconsin Administrative Code or the State Department of Natural Resources.

- (C) There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature to suggest a change in the restriction.

## 9.10 SWIMMING POOLS.

1. Definition. "Swimming Pool" as used in this section is defined as any artificial body of water used or intended to be used for wading or swimming, having a depth at any point greater than 24 inches or with a surface area exceeding 200 square feet constructed, installed or maintained in the ground or on top of the ground outside or inside or as an accessory to a residential building on private property within the Town.
2. Permit Required. No swimming pool of any nature, as defined in this Section, shall be constructed without a permit first being obtained in accordance with the provisions of this Chapter. Applications for permits shall be accompanied by plans before construction commences, showing plot plan, dimensions, depths, volume in gallons, type and size of filter system and waste disposal system.
3. Construction and Maintenance.
  - (A) Every swimming pool shall be so designed and constructed as to facilitate cleaning and shall be maintained and operated in such a manner as to be clean at all times.
  - (B) Every swimming pool shall be so designed, constructed and maintained so that it will not create a hazard to health, safety or the general welfare, and will not be detrimental to the neighborhood or to the residents thereof.
  - (C) All buildings or structures to be erected under the provisions of this section shall conform to the requirements of the Building Code of setbacks and area requirements for accessory structures. All permits shall be issued by the electrical inspector.
  - (D) Any lights illuminating such swimming pool must be so erected as to eliminate direct rays and minimize reflected rays of light on adjoining premises.
  - (E) For all inground swimming pools, a substantial tight fence with minimum height of 42 inches shall completely surround all swimming pools and have a self-latching and self-closing gate. Fences shall be erected in such a manner that there shall be an apron of level surface at least three (3) feet in width surrounding all sides of the pool and shall conform to the side yard requirements of the building code.
  - (F) All swimming pools must be equipped with an adequate self-contained filtration and recirculation system detached from any portable water supply or waste disposal system.

(G) Pools shall not drain into sanitary sewers, or private sanitary systems, roadside ditches or neighbors' property. Pool waste water may be used for irrigation by surface or subsurface spreading providing no hazard or nuisance or unsanitary condition will occur in the opinion of the Health Officer or the Building Inspector.

4. Duty to Comply. Compliance with this Section shall be the duty of the person owning, controlling or managing any building or premises wherein or whereon there shall be placed or there exists a swimming pool subject to this section.

## 9.11 REMOVAL AND RAZING OF BUILDINGS.

### 1. Regulations for Moving Buildings.

- (A) General. No person, firm or corporation shall move any building or structure upon any of the public ways of the Town without first obtaining a permit therefor in accordance with the provisions of this Chapter. Every such permit issued for the moving of a building shall designate the route to be taken, the conditions to be complied with, and shall limit the time during which said moving operations shall be continued. No permit shall be issued unless or until the Building Inspector has certified that said operation conforms with the provisions of this Chapter or until the Town Planning Commission has given its approval as provided in this Chapter.
- (B) Continuous Movement. The movement of buildings shall be a continuous operation during all the hours of the day and night until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lit lanterns shall be kept in conspicuous places at each end of the building during the night.
- (C) Street Repair. Every person receiving a permit to move a building shall within one day after said building reaches its destination report that fact to the Building Inspector who shall thereupon inspect the streets and highways over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the governing body, said body shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his/her bond responsible for the payment of same.
- (D) Conformance with Code. No permit shall be issued to move a building within or into the Town and to establish it upon a location within the said Town until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of the Building Code in all respects. A complete plan of all repairs, improvements and remodeling with reference to such building shall be submitted to the Building Inspector, and he shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of the Building Code and that when same are completed, the building as such will



so comply with said Building Code. In the event a building is to be moved from the Town to some point outside the boundaries thereof, the provisions with respect to the furnishings of plans and specifications to such building may be disregarded, only to the effect of its use and condition once outside of the Town limits.

(E) Bond.

1. Before a permit is issued to move any building over any public way in this Town, the party applying therefor shall give a bond to the Town in a sum to be fixed by the Building Inspector and which shall not be less than One Thousand Dollars; said bond to be executed by a corporate surety to be approved by the governing body or designated agent conditioned upon, among other things, the indemnification to the Town for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgement together with the costs and expenses incurred by the Town in connection therewith, arising out of the removal of the building for which the permit is issued.
2. Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundations shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under 12 years of age unlikely, the bond required by the (1) above shall be further condition upon the permittee erecting adequate barriers and within a forty-eight hour period filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.

(F) Insurance. The Building Inspector shall require in addition to said bond above indicated, public liability insurance covering injury to one person in a sum of not less than Three Hundred Thousand Dollars (\$300,000.00), and for one accident in a sum of not less than One Million Dollars (\$1,000,000.00), or such other coverage as deemed necessary.

(F) Town Planning Commission.

1. No such permit shall be issued unless it has been found as a fact after an examination of the application for the permit and in case it is proposed to alter the exterior of said building, plans and specifications of such proposed alterations and after a view of the building proposed to be moved and of the site at which it is to be located, that the exterior architectural appeal and functional plan of the building to be moved or moved and altered, will not be

so at variance with either the exterior architectural appeal and functional plan of the buildings already constructed or in the course of construction in the immediate neighborhood, or the character of the applicable district established by the zoning ordinances or any ordinance mandatory thereof or supplementary thereto, as to cause substantial depreciation in the property values of said neighborhood within said applicable district. In case the applicant proposes to alter the exterior of said building after moving the same, he shall submit with his/her application, paper, complete plans and specifications for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall give a bond to the Town which shall not be less than \$1,000.00 to be executed in the manner provided in subsection (E) hereof to the effect that he will, within a time to be set by the Town Planning Commission, complete the proposed exterior alterations to said building in the manner set forth in his/her plans and specifications. This bond shall be in addition to any other bond or surety which may be required by other applicable ordinances of the Town. No occupancy permit shall be issued for said building until the exterior alterations proposed to be made have been completed.

2. Upon application being made to the Building Inspector he shall request a meeting of the Town Planning Commission to consider applications for moving permits which he/she has found comply in all respects with all other ordinances of the Town. The Town Planning Commission may, if it desires, hear the applicant for the moving permit in question and/or the owner of the lot on which it is proposed to locate the building in question, together with any other persons, either residents or property owners, desiring to be heard, giving such notice of hearing as they may deem sufficient. Such hearing may be adjourned for a reasonable length of time, and within forty-eight (48) hours after the close of the hearing, the Town Planning Commission shall, in writing make or refuse to make, the finding required by subsection (G) hereof, and file it in the office of the Clerk, who shall send a copy of it to the Building Inspector.

- (H) Razing of Buildings. Before a building can be demolished or razed, the owner, or agent shall notify all utilities having service connections within the building; and make application for a permit in accordance with the provisions of the Chapter. A permit to demolish or raze a building shall not be issued until it is certified by the Building Inspector that service connections and appurtenant equipment such as meters and regulators, have been removed or sealed and plugged in a safe manner. Excavations shall be filled with solid fill to match lot grade, within thirty days of removal of the structure. Any excavation shall be protected with appropriate fences, barriers and/or lights.

## 9.12 PERMIT REQUIREMENTS AND FEES.

1. Format. Where applications and permits are required in accordance with the provisions of this Chapter, the format and contents thereof shall be determined by the Town Board, except where specific language is required by the provisions of this Chapter or by other local, county or state regulations.
2. Applications. All applications for building, electrical and plumbing permits shall be made directly to the appropriate inspectors at hours and locations designed by said inspectors. The appropriate inspectors, in their sole discretion, shall defer any action upon said permit requests to the Waterford Town Planning Commission which then shall make the decision upon granting or denying said request. All fees for permits must be paid before the permit is issued except for the Occupancy Permit which shall be issued by the Building Inspector at the time when occupancy is proper under this Code and any other applicable laws, rules and regulations.
3. Commencement of Work. No work shall commence on any building or improvement or alteration which requires a permit until said permit is issued. In the event that the owner or contractor of any building located in the Township of Waterford shall commence work on the same without securing the necessary and applicable building, electrical or plumbing permit required, said owner or contractor, or both, shall be liable to the Township for triple the normal building, electrical or plumbing permit fee before said permit can be obtained.
4. Schedule of Fees.

### BUILDING FEE SCHEDULE FOR THE TOWN OF WATERFORD

#### WISCONSIN UNIFORM BUILDING CODE

##### 1. SCHEDULE OF PERMIT FEES

A	Minimum permit fee for all permits	\$40.00
B	Residence - One & Two family and Attached garages	\$.22/sq. ft.
C	Residences & Apartments, Three Family & over, Row Housing, Multiple Family Dwellings, Institutional	\$.22/sq. ft.
D	Residences - Additions	\$ .22/sq. ft. or fraction thereof
E	Local Business, Office Buildings or Additions thereto	\$ .20/sq. ft. or fraction thereof.
F	Manufacturing or Industrial (Office Areas to be	\$.15 sq./ft. or fraction thereof

included under E)

G	Permit to start construction of footings and foundations	\$150.00 Multi-Family, Industrial & Commercial/ \$100.00 One & Two Families
H	Agriculture Buildings, Detached Garages and Accessory Buildings	\$.18/sq ft.
I	All other buildings, structures, alterations & repairs where square footage cannot be calculated	\$8.00/\$1,000.00 valuation
J	Heating, Incinerator Units and Wood Burning Appliances	\$40.00/unit, up to & including 150,000 input BTU Units. Additional fee of \$15.00/each 50,000 BTU or fraction thereof \$750.00 maximum/unit
K	Commercial/industrial Exhaust Hoods & Exhaust Systems	\$60.00/unit.
L	Heating & Air Conditioning Distribution Systems	\$1.50/100 sq. ft. of conditioned area with a \$40.00 minimum.
M	Air Conditioning	\$40.00/unit up to 3 tons or 36,000 BTU's. Additional fee of \$15.00/each ton or 12,000 BTU or fraction thereof. \$750.00 maximum/unit.
N	Wrecking, Razing and Interior Demolition Fees may be waived at the discretion of the Building Inspector	\$40.00 minimum plus \$.05/sq. ft. with \$500.00 maximum fee for building
O	Moving buildings over public ways	\$100.00 plus \$.05/sq. ft
P	Re-inspection	\$50.00/inspection.
Q	Plan Examination:	
	1. One & Two Family Residence	\$100.00.
	2. Apartment, Three Family Residence, Housing, Multiple Family Buildings	\$150.00 plus \$15.00/unit.
	3. Commercial/Industrial Alterations & Additions	\$150.00

	4. Additions to One & Two Family Dwellings	\$50.00
	5. Alterations to One & Two Family Dwellings	\$30.00
	6. Accessory Buildings, greater than 120 sq. ft	\$50.00
	7. Decks, Swimming Pools	\$30.00
	8. Heating plans, lighting and energy calculations to heating plans submitted separately	\$30.00 each
	9. Priority Plan Review - At the discretion of the Building Inspector and depending upon workload of the Department, two (2) business day priority plan review may be provided at double the regular rate for plan review fees. Certified municipalities may also charge double the regular State plan review fees in addition to those listed above. Priority plan review shall not apply to submittals requiring review and/or approval by other governing agencies of the municipality.	
	10. Resubmission of previously approved plans	\$30.00
R	Special Inspections & Reports	\$150.00
S	Wisconsin Uniform Building Permit Seal	State Charge plus \$5.00
	NOTE 1 Permits may be obtained individually or on one form in the categories of construction, heating, ventilation & air conditioning, electrical & plumbing.	
	NOTE 2 An additional fee for plan review may be assessed at the time of application for renewal of the permit. See Section 30.06(3).	
T	Occupancy Permits: Residential	\$30.00/unit, addition, alteration or accessory building over 120 sq. ft.
	Office, Commercial & Industrial	\$125.00
	Temporary Occupancy Permits (6 mo. or less)	\$50.00

U	Pools - In Ground/Above Ground/Spa@	\$8.00/\$1,000.00 valuation \$40.00 minimum
V	Decks & Sheds	\$50.00
X	Erosion Control Fees:	
1.	One & Two Family Lots	\$100.00/Lot
2.	Multi-Family Units	\$150.00/Bldg. plus \$5/\$1,000.00 sq. ft. of disturbed lot area with a \$2,000.00 maximum
3.	Commercial Lots	\$150.00/Bldg. plus \$5/\$1,000.00 sq. ft. of disturbed lot area with a \$2,000.00 maximum
4.	Industrial Lots	\$150.00/Bldg. Plus \$5/\$1,000.00 sq. ft. of disturbed lot area with a \$2,000.00 maximum.
5.	Institutional Lots	\$150.00/Bldg. plus \$5/\$1,000.00 sq. ft. of disturbed lot area with a \$2,000.00 maximum.
6.	Other	\$40.00 minimum
Y	Re-roofing, residing & trim:	
1.	Residential	\$40.00
2.	Commercial	\$8.00/\$1,000.00 valuation with a \$250.00 maximum/building
Other fees charged to the Municipality from other government entities for reviewing plans or permits. Fees charged are required to be paid at the time of application. Fees charged are required to be paid at the time of application. Fees charged are at cost.		
Z	DOUBLE FEES: UPON FAILURE TO OBTAIN A PERMIT BEFORE WORK ON A BUILDING HAS BEEN STARTED, EXCEPT IN EMERGENCY CASES, THE TOTAL FEE SHALL BE DOUBLED	\$40.00

## THE FEES CHARGED.

	Z(1)Failure to call for final inspection	\$50.00
AA	Electrical for new construction	\$.03/sq. ft. plus \$35.00 base fee
BB	Plumbing for new construction	\$.03/sq. ft. plus \$35.00 base fee
CC	Hvac for new construction	\$.02/sq.ft. plus \$35.00 base fee

NOTE: The State fee schedule for commercial buildings COMM 50-64 projects may be charged in lieu of or in addition to this fee schedule at the Municipality's discretion.

NOTE: Gross square footage calculations are based on exterior dimensions, including garage and each finished floor level. Unfinished basements or thereof are not included.

NOTE: In determining costs, oil construction shall be included with the exception of heating, air conditioning, electrical or plumbing work.

NOTE: Check with local municipality regarding fee schedule.

NOTE: All fee categories shall be rounded up to the next full dollar amount.

### ELECTRICAL PERMITS

1. Outlets, switches and receptacles 50 ea.
2. Light Fixtures 40 ea.
3. Fluorescent lamps 25 ea.
4. Arc, mercury, sodium, post lights 2.00 ea.
5. Electric range 5.00 ea.
6. Electric Water heater 4.00 ea.
7. Electric Water pump 4.00 ea.
8. Electric clothes dryer 4.00 ea.
9. Garbage disposal, trash compactor 4.00 ea.
10. Dishwasher 4.00 ea.
11. Sump pumps 2.00 ea.
12. Gas burner, oil burner 5.00 ea.

13. Electric heating units	2.00 ea.
14. Electric heat pumps and furnaces	.50/KW
15. Refrigerating, air conditioning equipment	5.00 min. .25/hp
16. Audio, signal, communication devices	.25 ea.
17. Temporary service and service change inspection	15.00 ea.
18. Services	
a. 0-100 amps	10.00 ea.
b. 101-400 amps	15.00 ea.
c. 401-1000 amps	20.00 ea.
19. Feeders #6 and larger	5.00 ea.
20. Power receptacles 230-480 volts 20-60 amps	4.00 ea.
21. Dimmers	1.00 ea.
22. Signs:	
Incandescent .10/socket	10.00 Min
B) Fluorescent or gas tube .50/transformer	4.00 Min
23. Motors over 1/4 HP	.30/HP
24. Generators, transformers	.30/KW
25. X-ray machines, motion picture machines, fuel pumps	8.00 ea.
26. Wireways, busway, underfloor raceway	.20 ft.
27. Swimming pool wiring:	
A) Inground	30.00 ea.
B) Above ground	20.00 ea.
28. Reinspections	10.00 ea.
29. Minimum fee	20.00 ea.
30. Plan Review For All Work Performed by Homeowner	15.00 ea.
31. Heating and a/co \$25.00 unit, up to and including 150,000btu units, Additional fee of \$3.00 for each 50,000 BTUs. A/C \$25.00/unit, up to 36,000 but, additional fee of \$3.00 for each ton or 12,00 BTUs. Distribution systems \$1.00 per 100sf of vented area.	

(C) Plumbing Permits.

1. Each plumbing fixture or water connected appliance	5.00 ea.
2. Future sewer or natural sewer drain	15.00 ea.
3. Wells	25.00 ea.
4. Pumps	25.00 ea.
5. Swimming pools (above and below ground)	25.00 ea.



6. Water softener	15.00 ea.
7. Preparation or mailing of forms	10.00 ea.
(D) Any other permits not specifically covered above	20.00
(E) Inspections by Building, Electrical or Plumbing Inspector	20.00
(F) Re-inspections by Building, Electrical or Plumbing Inspector	20.00
(G) Special inspections by Building, Electrical or Plumbing Inspectors	25.00
(H) Any other inspections	20.00

### 9.13 UNIFORM NUMBERING SYSTEM.

(1) Map. A uniform system of numbering properties and principle buildings, as shown on the map which is on file with the Town Clerk, is hereby adopted for use in the Town of Waterford, Racine County, Wisconsin. This map and all explanatory matter thereon, is hereby adopted and made part of this ordinance.

(2) Assignment of Numbers.

- (A) All properties or parcels of land within the boundaries of the Town of Waterford, Racine County, Wisconsin, shall hereafter be identified by reference to the uniform numbering system adopted herein, provided: all existing numbers of property and buildings not now in conformity with provisions of this ordinance and buildings not now in conformity with provisions of this ordinance shall be changed to conform to the system herein, within six months from the date of passage of this ordinance.
- (B) All buildings in the Township of Waterford must have exhibited its assigned particular street number upon the face of said building or upon a prominent place so as to cause said number to be plainly visible from the roadway in order to permit fire, police and other emergency vehicles ready access to said building. In case a principle building is occupied by more than one business or family dwelling unit, each separate front entrance of such principle building shall bear a separate number. Such numerals may be obtained from the Racine County Planning and Development Office or the Town Clerk.
- (C) The owner of said building is responsible for compliance with said ordinance. Failure to comply with said ordinance will result in a forfeiture not less than \$10.00 nor more than \$100.00 and in the event of failure to pay the same, nor more than four(4) days incarceration in the County Jail.

(D) Administration.

- 1. The Building Inspector shall be responsible for maintaining the numbering system.
- 2. The Building Inspector shall keep a record of all numbers assigned under this ordinance.
- 3. The Building Inspector shall issue to any property owner in the Town of Waterford upon request and without charge a set of numerals for each principal building or separate front entrance to such building. In doing so, he/she shall issue only numerals for the number assigned to such building under the provisions of this ordinance. Provided, however, that the Town

Clerk may issue additional numerals in accord with the official numbering system whenever property has been subdivided, a new front entrance opened, or undue hardship has been worked on any property owner

#### 9.14 FORM CONTRACTS.

1. Any and all developers, contractors and/or subdividers wishing to build or develop within the jurisdiction of the Town of Waterford shall be required to contract with the Town for services and supervision which the Town may deem necessary in relation to any such development or building within the Town of Waterford.
2. The Town of Waterford shall offer only a sample form contract to any developer, contractor or subdivider wishing to contract with the Town. Form contracts shall be general in nature only.
3. Said form contracts shall be available for inspection during normal business hours at the Town Hall located at 415 N. Milwaukee Street, Waterford, WI or from the Town Attorney.

## 9.15 ENFORCEMENT.

1. Liability not on Town. This Chapter shall not be construed as placing any liability on the Town for damages to any one injured or to any property damaged or destroyed as a result of the improper location of any building or defect in any building or any defect in any equipment of any building. The Town assumes no liability for any one injured or claiming to be injured or for any property loss suffered or claimed to be suffered by any one as a result of a violation of the provisions of this Code.
2. Collateral Powers. With regard to Sections 9.04, 9.05 and 9.06 of this Chapter, members of the Town Board and the Police Department shall have collateral powers with the Inspectors.
3. Coordinated Inspections. All provisions of the laws of the State, the ordinances of the Town and the legally adopted rules and regulations of fire and health officials in respect to the operation, equipment, housekeeping, fire protection, handling and storage of flammable materials liquids and gases and the maintenance of safe and sanitary conditions of use in the occupancy of all buildings shall be strictly enforced by the administrative officials to whom such authority is delegated. Whenever any inspection by any authorized enforcement official discloses any violation he shall immediately notify the administrative officer having jurisdiction over the violation.
4. Hearings and Appeals.

### Standards in Reviewing Town Requests and Variances.

(A) In reviewing proposed variances, the Planning Commission shall be guided by the following standards and requirements:

1. All variances must be in accordance with the purpose and intent of this Ordinance and shall not be hazardous, harmful, offensive or otherwise adverse to the environmental quality, water quality, shoreland cover, or property values in the county and its communities.
2. There shall be a review of the site, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, waste disposal, water supply systems, and the effect of the proposed use, structure, operation, and improvement upon flood damage protection, water quality, shoreland cover, natural beauty, and wildlife habitat.
3. Conditions, such as landscaping, architectural design, type of

construction, construction commencement and completion dates, sureties, lighting, fencing, location, size and number of signs, water supply and waste disposal systems, higher performance standards, street dedication, certified survey maps, floodproofing ground cover, diversions, silting basins, terraces, stream bank protection, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or additional parking may be required.

- (B) Any person affected by any notice or order which has been issued in connection with the enforcement of any provisions of this Chapter or is refused a permit may request and shall be granted a hearing on the matter before the Town Planning Commission.
- (C) The person requesting said hearing shall file a written petition requesting such hearing, specifying the grounds thereof, with the Town Clerk. Such petition shall be filed prior to the expiration time, if any, stated on an order by the respective Inspector but, in no event after 30 days from the issuing date of the order. The petition shall be filed in triplicate and shall set forth the name of the party, the address of the building or property and a brief statement of the grounds for such hearing; together with a fee of \$15.00, payable to the Town. Upon receiving notice from the Town Clerk that a petition has been filed, the respective Inspector shall transmit to the Clerk all of the papers constituting the record upon which the petition for hearing was taken. In the case of a refusal to issue a permit the 30-day limitation and the procedure are the same as for orders.
- (D) The Town Planning Commission shall affix a reasonable time for the hearing of the petition, but not less than 10 days nor more than 60 days after the date on which the petition was filed. The Planning commission may, at its discretion, postpone the date of the hearing for a reasonable time beyond the 60-day period provided it has permission from the Petitioner. The Clerk shall give ten days written notice of the time and place of the hearing to the Petitioner and to the members of the Planning Commission. At the hearing the Petitioner shall be given an opportunity to be heard and give reasons why such order should be withdrawn or amended. The Planning Commission may administer oaths or affirmations in connection with the conduct of any hearing held as provided in this Chapter. The failure of a petitioner or his/her representative to appear at this hearing shall be grounds for dismissal of the Petition and shall terminate the right of further appeal
- (E) After said hearing the Planning Commission shall sustain, modify or withdraw the order depending upon its findings, reached by a majority vote. In addition, the Planning Commission may modify any order so as to authorize the variance from the provisions of this Code, when, because of special conditions, strict enforcement of the provisions would result in

unnecessary hardship, the Board, however, keeping in mind the public health and welfare of the Town. The provisions of Sections 11.02(S)(A) are incorporated herein by reference. If the Planning Commission fails to withdraw the order, said order shall be complied with within a reasonable time after the hearing, said time being determined by the Planning Commission.

- (F) The proceedings at said hearing, including the findings and decisions of the Planning Commission, shall be summarized and reduced to writing and entered as a matter of the public record in the office of the Clerk. Said record shall be maintained by the Clerk and shall also include a copy of every notice or order issued in connection with the matter. The Clerk shall further deliver a copy of the written hearing, said copy to be delivered personally or by certified mail with return receipt requested.
- (G) Said decisions of the Planning Commission may be appealed by any of the interested parties, including Town officials, to the Circuit Court in and for Racine County. The Petition must be presented to the Court within 15 days after the date on which the Planning Commission's decision was served on the person who filed the petition for hearing and if the person aggrieved has notified said Planning Commission within seven days of his/her intention to appeal the decision. Said petition must be duly verified and must set out the alleged illegality of the order, specifying the grounds thereof.
- 5. Penalties of Violations. Any person, company or corporation violating any of the provisions of this Chapter shall, upon conviction, be fined not less than \$10.00 nor more than \$500.00, together with the costs of prosecution, and, in default of payment thereof, shall be imprisoned in the County Jail for a period not to exceed twenty(20) days. It shall be the responsibility of the offender to abate the violation as expeditiously as possible, and each day that such violation is permitted to continue shall constitute a separate offense. If, in any action, a permit was issued, it shall not constitute a defense, nor shall any Inspector constitute a defense.
- 6. Enforcement by Injunction. Compliance with the provisions of this Chapter may also be enforced by injunctive order at the suit of the Town, or one or more owners or occupants of real estate situated within an area affected by the provisions of this Chapter.
- 7. Declared Nuisances. Any building or structure erected or structurally altered or any improvement to land done in violation of the provisions of this Chapter is hereby declared to be a nuisance per se and the Town may take necessary steps to restrain or abate such nuisance as provided in the Municipal Code. The cost of abatement of nuisances may be recovered from the land owner in accordance with Section 146.13 of the Wisconsin Statutes.

## 9.16 MISCELLANEOUS PROVISIONS.

### SANITARY FACILITIES DURING CONSTRUCTION.

On all new construction, be it residential or commercial, and on any remodeling, when deemed necessary, in the sole discretion of the Building Inspector, each construction site shall be furnished one outdoor sanitary facility, as approved by the Town Building Inspector. Said sanitary facility shall be properly maintained and cleaned on a periodic basis. When practical, the Building Inspector may allow the use of one sanitary facility by more than one, but no more than four additional construction sites. Said sanitary facility shall be in place at the commencement of construction and, if removed or not properly maintained during construction, the Building Inspector shall issue a "cease work" order until proper sanitary facilities are again in place. At the end of construction or remodeling, the sanitary facility shall be removed. Besides the Building Inspector, the Town DPW is authorized to monitor and inspect the placement and maintenance of the sanitary facilities.



**(10) CHAPTER 10**  
**LAND DIVISION ORDINANCE**

10.01 INTRODUCTION

10.02 GENERAL PROVISIONS

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10.13 DEFINITIONS

## 10.01 INTRODUCTION

1. Authority. These regulations are adopted pursuant to the authority granted by Section 236.45 of the Wisconsin Statutes, as amended, and other applicable laws and regulations. Therefore, the Town Board of Waterford, Wisconsin does ordain as follows:
2. Purpose. The purpose of this Chapter is to regulate and control the division of land, subdivision of land, development or residential units, or any development upon the land, which would result in any subdivision within the Town of Waterford, in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the Township.
3. Scope. This chapter shall control the division of land, which would result in any subdivision or minor land division/certified survey map. This Chapter shall also adopt and incorporate herein those applicable provisions of the Racine County Planning Ordinance relating to land division and development.
4. Intent. It is the general intent of this Chapter to regulate the division of land so as to:
  - (A) Obtain the Wise Use, conservation, protection, and proper development of the Town's soil water, wetland, woodland, and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base;
  - (B) Lessen Congestion in the streets and highways;
  - (C) Further the Orderly layout and appropriate use of land;
  - (D) Secure Safety from fire, panic and other dangers;
  - (E) Provide Adequate Light and air;
  - (F) Prevent the Overcrowding of land;
  - (G) Avoid Undue Concentration of population;
  - (H) Facilitate Adequate Provision for housing, transportation, water, sewerage, schools, parks, playgrounds and other public requirements;
  - (I) Secure Safety from flooding, water pollution, disease and other hazards;

- (J) Prevent Flood Damage to persons and properties and minimize expenditures for flood relief and flood control projects;
  - (K) Prevent and Control Erosion, sedimentation and other pollution of surface and subsurface waters;
  - (L) Preserve Natural Vegetation and Cover and promote the natural beauty of the County;
  - (M) Restrict Building Sites on areas covered by poor soils, or in other areas poorly suited for development.
  - (N) Facilitate the Further Division of larger tracts into smaller parcels of land;
  - (O) Ensure Adequate legal description and proper survey monumentation of subdivided land;
  - (P) Provide for the Administration and enforcement of this Chapter.
  - (Q) Provide Penalties for its violation; and
  - (R) Implement those municipal, county, watershed, or regional comprehensive plans or their components adopted by the Town, and in general to facilitate enforcement of Town development standards as set forth in the adopted regional, county and local comprehensive plans, adopted plan components, Town building ordinance and Town Sanitary code of the Town of Waterford, Wisconsin.
5. Abrogation and Greater Restrictions. It is not intended by this chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to laws. However, where this chapter imposes greater restrictions, the provisions of this chapter shall govern.
6. Interpretation. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by law.
7. Severability and Non-Liability. If any section, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.
8. Repeal. All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this chapter to the extent of the inconsistency only, are hereby repealed.

9. Title. This chapter shall be known as, referred to, or cited as the "CHAPTER 10: LAND DIVISION ORDINANCE, TOWN OF WATERFORD, RACINE COUNTY, WISCONSIN".
10. Effective Date. This ordinance is currently in effect having been enacted prior to this re-codification.

## 10.02 GENERAL PROVISIONS.

1. Jurisdiction. Jurisdiction of these regulations shall include all lands within the limits of the Town of Waterford, Wisconsin. The provisions of this chapter as it applies to divisions of tracts of land into less than five (5) parcels shall not apply to:

(A) Transfers of Interests in land by will or pursuant to court order.

(B) Leases for a term not to exceed ten years, mortgages or easements.

(C) Sale or Exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by these regulations, the zoning ordinances, or other applicable laws or ordinances.

2. Compliance. No person, firm or corporation shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, minor land division, a replat as defined herein; no such subdivision, minor land division, or replat shall be entitled to record; and, no street shall be laid out or improvements made to land without compliance with all requirements of this chapter and;

(A) Provisions of Chapter 236, Wisconsin Statutes.

(B) Rules of the Wisconsin Department of Health and Social Services, Division of Health regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such services have not been made.

(C) Rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider or developer abuts on a state trunk highway or connecting street.

(D) Duly Approved Comprehensive Plan, or comprehensive plan component of the Town of Waterford, Wisconsin.

(E) The Racine County Shoreland Zoning Ordinance and all other applicable local and county ordinances.

3. Dedication and Reservation of Lands.

(A) Whenever a tract of land to be subdivided, embraces all or any part of an arterial street, drainageway or other public way which has been designated in the comprehensive plan, or comprehensive plan component, of the Town

of Waterford, Wisconsin, said public way shall be made a part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or map and as set forth in Section 10.07 of this chapter, unless waived by the Town.

- (B) Whenever a Proposed Playground, Park or other public land, other than streets or drainageways, designated in the comprehensive plan, or a comprehensive plan component of the Town of Waterford, Wisconsin is embraced all or in part in a tract of land to be subdivided, these lands shall be made a part of the plat and shall be dedicated to the public by the subdivider at the rate of one (1) acre for each 120 proposed dwelling units, unless waived by the Town; and said proposed public lands, other than streets or drainageways, in excess of the rate established herein shall be reserved for a period not to exceed two (2) years unless extended by mutual agreement for purchase by the public agency having jurisdiction, unless waived by the Town; and a public site fee (impact fee) shall be levied against the subdivider at the time of application for final plat approval at the rate and according to the procedures established in Section 10.10 of this Ordinance.

4. Improvements.

- (A) The subdivider or developer shall before the recording of the plat enter into a contract with the Town and Town Sanitary District by the Town Board agreeing to install the required street and utility and other necessary improvements and shall file with said contract a bond meeting the approval of the Town Attorney or a certified check in an amount equal to the estimated cost of the improvements plus 20 per cent, said estimate to be made by the Town Board after review and recommendation by the Town Engineer, as a guarantee that such improvements will be completed by the subdivider or developer or his subcontractors, and as a further guarantee that all obligations to subcontractors for work on the development are satisfied.
- (B) Contractor and Subcontractors who are to be engaged in the construction of street and utility improvements on dedicated streets rights-of-way shall be subject to the approval of the Town.
- (C) Governmental Units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.
- (D) Survey Monuments. Before final approval of any plat within the Town, the subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes and as may be required by the Town Engineer.

5. Variances.

(A) Where, in the judgement of the Town, it would be inappropriate to apply literally the provisions of this chapter because of the proposed subdivision being located outside of the corporate limits, or because exceptional or undue hardship would result, the Town may waive or modify any requirement to the extent deemed just and proper. No variance to the provisions of this ordinance shall be granted unless the Town finds beyond a reasonable doubt that all the following facts and conditions existing and so indicates in the minutes of its proceedings.

1. Exceptional Circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this ordinance would result in an unnecessary hardship. Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that the Land Division Ordinance should be changed.
2. Preservation of Property Rights. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.
3. Absence of Detriment. That the variance will not materially impair or be contrary to the purpose and spirit of this chapter or the public interest.
4. The Town may waive the placing of monuments, required under Section 236.15(b), (c) and (d), for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monuments within the time required.
5. Land Suitability.

A. No land shall be improved which is held unsuitable for such use by the Town Planning Commission or Town Board for reason of existing drain tiles, flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision, or of the Town.

B. The Town in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for residential use or other improvements and afford the owner/developer an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter the Town may affirm, modify, or withdraw its

determination of unsuitability.

6. Violations. It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this chapter or the Wisconsin Statutes; and no person, firm or corporation shall be issued a building permit by the Town of Waterford authorizing the building on, or improvement of, any subdivision, minor land division, replat within the jurisdiction of this chapter not of record as of the effective date of this chapter until the provisions and requirements of this chapter have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this chapter or applicable Wisconsin Statutes.
7. Penalties.
  - (A) Any person, firm or corporation who fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) and the costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding forty(40) days. Each day a violation exists or continues shall constitute a separate offense.
  - (B) Recordation improperly made has penalties provided in Section 236.30 of the Wisconsin Statutes.
  - (C) Conveyance of lots in unrecorded plats has penalties provided for in Section 236.32 of the Wisconsin Statutes.
  - (D) Monuments disturbed or not placed have penalties as provided for in Section 236.32 of the Wisconsin Statutes.
  - (E) Assessor's Plat made under Section 70.27 of the Wisconsin Statutes may be ordered by the Town at the expense of the subdivider when a subdivision is created by successive divisions.
8. Appeals. Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Sections 236.13(5) and 62.23(7)(e)(10)(15) of the Wisconsin Statutes, within thirty (30) days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, capricious, unreasonable or discriminatory.



### 10.03 PROCEDURE.

1. Pre-Application. It is recommended that, prior to the filing of an application for the approval of a preliminary plat, the subdivider or developer, consult with the Town Planning Commission and/or its staff and the County Planning Department staff in order to obtain their advice and assistance. This consultation is neither formal nor mandatory, but is intended to inform the subdivider or developer of the purpose and objectives of these regulations, the comprehensive plan, comprehensive plan components, and duly adopted plan implementation devices of the Town and to otherwise assist the subdivider or developer in planning his development. In so doing, both the subdivider/developer and planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider/developer will gain a better understanding of the subsequent required procedures.
2. Preliminary Plats Review.
  - (A) Before submitting a Final Plat for approval, the subdivider/developer shall prepare a Preliminary Plat and a letter of application. The Preliminary Plat shall be prepared in accordance with this chapter and the applicable Wisconsin Statutes, subdivider/developer shall file an adequate number of copies of the Plat and the application with the Town Clerk at least twenty-five (25) days prior to the meeting of the Town Planning Commission at which action is desired.
  - (B) The Town Clerk shall, within two (2) days after filing, transmit four (4) copies to the County Planning Agency; two (2) copies to the Director of the Planning Function in the State Department of Local Affairs and Development; additional copies to the Director of the Planning Function for re-transmission of two (2) copies each to the State Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street and the State Department of Health and Social Services and the Department of Industry, Labor and Human Relations if the subdivision is not served by a public sewer and provision for such service has not been made and the State Department of Natural Resources if shorelands are contained within the proposed subdivision and an adequate number of copies to the Town Planning Commission. The County Planning Agency, the State Department of Local Affairs and Development, the State Department of Transportation and the State Department of Health and Social Services shall hereafter be referred to as objecting agencies.
  - (C) The Town Planning Commission is hereby designated as as a recommending authority for all preliminary plats. The Town Clerk shall transmit a copy of the Preliminary Plat to all affected Town Boards,

commissions or departments, and all affected local utility companies for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Town Planning Commission within fifteen (15) days from the date the Plat is filed. The Preliminary Plat shall then be reviewed by the Town Planning Commission for conformance with this chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which affect it. The Town Board, at its next duly noticed meeting shall act upon the Preliminary Plat.

3. Preliminary Approval.

- (A) The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the Preliminary Plat, notify the subdivider/developer and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the Town Planning Commission, the Town Clerk to simultaneously submit the same to the Town Board. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat.
- (B) The Town Planning Commission shall then make its recommendation to the Town Board who shall then approve conditionally or reject such Plat. One copy of the Plat shall thereupon be returned to the subdivider/developer with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the Plat. One copy each of the Plat and letter shall be placed in the Town Planning Commission's and Town Board's permanent file.
- (C) Failure of the Town Board to act within the time frame required by law, unless extended by agreement of both parties, shall constitute an approval.
- (D) Approval or Conditional Approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat except that if the Final Plat is submitted within six (6) months of Preliminary Plat approval and conforms substantially to the Preliminary Plat layout as indicated in Section 236.11(1)(b) or 703.11 and 703.12 of the Wisconsin Statutes, the Final Plat shall be entitled to approval with respect to such layout. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat which will be subject to further consideration by the Town Planning Commission/Town Board at the time of its submission.

4. Final Plat Review.

- (A) The subdivider/developer shall prepare a Final Plat and a letter of application in accordance with this chapter and shall file an adequate number of copies of the Plat and application with the Town Clerk at least twenty- five (25) days prior to the meeting of the Town Planning Commission at which action is desired.
- (B) The Town Clerk shall, within two (2) days after filing, transmit four (4) copies to the County Planning Agency; two (2) copies to the Director of the Planning Function in the State Department of Local Affairs and Development; additional copies to the Director of the Planning Function for retransmission of two (2) copies each to the State Department of Transportation if the subdivision/development abuts or adjoins a state trunk highway or a connecting street and the State Department of Health and Social Services plus the Department of Labor and Human Relations if the subdivision/development is not served by a public sewer and provision for such service has not been made and the State Department of Natural Uses if shorelands are contained within the proposed subdivision; and the original Final Plat and adequate copies to the Town Planning Commission.
- (C) The Town Planning Commission shall examine the Final Plat, within 45 days of its filing with the Town Clerk, as to its conformance with the approved Preliminary Plat; any conditions of approval of the Preliminary Plat; this chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it and shall recommend approval, conditional approval or rejection of the Plat to the Town Board.
- (D) Partial Platting. The Final Plat may, if permitted by the Town Planning Commission, constitute only that portion of the approved Preliminary Plat which the subdivider/developer proposes to record at that time.

5. Final Plat Approval.

- (A) The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the Final Plat, notify the subdivider/developer and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the Town Planning Commission. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat.
- (B) Submission. If the Final Plat is not submitted within six (6) months of the last required approval of the Preliminary Plat, the Town Board may refuse to approve the Final Plat.
- (C) Notification. The Town Planning Commission shall, when it determines to recommend approval of a Plat, give at least ten (10) days prior written notice

of its intention to the clerk of any municipality within 1000 feet of the Plat.

- (E) The Town Board shall, within sixty (60) days of the date of filing the original Final Plat with the Town Clerk, approve or reject such Plat unless the time is extended by agreement with the subdivider/developer. If the Plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider /developer. The Town Board may not inscribe its approval on the Final Plat unless the Town Clerk certifies on the face of the Plat that the copies were forwarded to objecting agencies as required herein, the date thereof, and that no objections have been filed within twenty (20) days or, if filed, have been met.
  - (F) Failure of the Town Board to act within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.
  - (G) Recordation. After the Final Plat has been approved by the Town Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Town Clerk shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the Plat returned to the subdivider/developer for recording with the County Register of Deeds. The Register of Deeds cannot record the Plat unless it is offered within thirty (30) days from the date of the last approval and within six (6) months of the date of first approval.
  - (H) Copies. The subdivider/developer shall file ten (10) copies of the Final Plat with the Town Clerk for distribution to the Town Engineer, Building Inspector, Water Utility, Assessor and other affected departments for their files.
6. Replat. When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider/developer or person wishing to replat shall vacate or alter the recorded Plat as provided in Sections 236.40 through 236.44 of the Wisconsin Statutes. The subdivider/developer, or person wishing to replat, shall then proceed as specified in Sections 10.03(1) through 10.03(5).
- (A) The Town Clerk shall schedule a public hearing before the Town Planning Commission when a Preliminary Plat of a Replat of lands within the Town is filed, and shall cause a class 2 Notice of the Public Hearing to be published to the owners of all properties within the limits of the exterior boundaries of the proposed Replat and to the owners of all properties within 200 feet of the exterior boundaries of the proposed Replat.
7. Minor Land Division.

- (A) When it is proposed to divide, within a five(5) year time period, land into two (2) or more, but not more than four (4), parcels or building sites, any one of which is (35) acres or less in size; or when it is proposed to divide not more than four (4) parcels or building sites within a recorded subdivision plat without changing the boundaries of said block, lot or outlot, the subdivider/developer may subdivide by use of a Certified Survey Map in accordance with this chapter and shall file an adequate number of copies of the Map and the letter of application with the Town Clerk or at least fifteen (15) days prior to the meeting of the Town Planning Commission at which action is desired.
- (B) The Town Clerk shall, within two (2) days after filing, transmit the copies of the Map and letter of application to the Town Planning Commission.
- (C) The Town Planning Commission shall transmit a copy of the Map to all affected Town Boards, commissions or departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Town Planning Commission within ten (10) days from the date the Map is filed, The Map shall be reviewed by the Town Planning Commission for conformance with this chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which affect it. The Town Planning Commission shall, within thirty (30) days from the date of filing of the Map, recommend approval, conditional approval or rejection of the Map, and shall transmit the Map along with its recommendations to the Town Board.
- (D) The Town Board shall approve, approve conditionally, or reject such Map with sixty (60) days from the date of filing of the Map unless the time is extended by agreement with the subdivider/developer. If the Map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider/developer. If the Map is approved, the Town Board shall cause the Town Clerk to so certify on the face of the original Map and return the Map to the subdivider/developer.
- (E) Recordation. The subdivider/developer shall record the Map with the county register of deeds within thirty (30) days of its approval by the Town Board.
- (F) Copies. The subdivider/developer shall file ten (10) copies of the Certified Survey Map with the Town Clerk for distribution to the Town Engineer, Building Inspector, Water Utility, Assessor and other affected departments for their files.
- (G) See also Section 10.06 of this Code.

## 10.04 PRELIMINARY PLAT

### 1. General

- (A) A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on tracing cloth or paper of good quality at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:
- (B) Title under which the proposed subdivision is to be recorded.
- (C) Location of proposed subdivision by: government lot, quarter section, township, range, county and state.
- (D) Date, Scale and North Point.
- (E) Names and Addresses of the owner, subdivider/developer and land surveyor preparing the plat.
- (F) Entire Area contiguous to the proposed plat owned or controlled by the subdivider/developer shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Town Board may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and undue hardship would result from strict application thereof.

### 2. Plat Data. All preliminary plats shall show the following:

- (A) Exact Length and Bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U. S. Public Land Survey and the total acreage encompassed thereby.
- (B) Contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten (10) percent, and of not more than five (5) feet where the slope of the ground surface is ten (10) percent or more. Elevations shall be marked on such contours based on National Geodetic Datum of 1929 (mean seal level).
- (C) Water Elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to mean sea level (1929) datum.
- (D) Locations, Right of Way Width and Names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.

- (E) Location and Names of Any Adjacent Subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.
- (F) Type, Width and Elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, all to National Geodetic Datum of 1929 (mean sea level).
- (G) Location, Size and Invert Elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their direction and distance from the tract, size, and invert elevations.
- (H) Locations of All Existing Property Boundary Lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.
- (I) Location, Width and Names of all proposed streets and public rights-of-way such as alleys and easements.
- (J) Approximate Dimensions of All Lots together with proposed lot and block numbers.
- (K) Location and Approximate Dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public use or which are to be used for group housing, shopping centers, church sites, or other nonpublic uses not requiring lotting.
- (L) Approximate Radii of All Curves.
- (M) Existing Zoning on and adjacent to the proposed subdivision when the plat is located within the jurisdiction of the Racine County Shoreland/Floodplain zoning regulation.
- (N) Any Proposed Lake and Stream Access with a small drawing clearly indicating the location of the proposed subdivision/development in relation to the access.
- (O) Any Proposed Lake and Stream improvement or relocation.

- (P) Soil Type, Slope, and Boundaries as shown on the detailed operational soil survey maps prepared by the U.S. Soil Conservation Service.
  - (Q) Location and Results of Soil Boring Tests made to a depth of six (6) feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one test per acre shall be made initially unless a detailed soil map for the area is available in which case at least one test per three (3) acres shall be made initially.
  - (R) Location and Results of Soil Percolation Tests conducted in accordance with Section 65.06(4) of the Wisconsin Administrative Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests shall not be less one than one test per acre unless a detailed soil map is available in which case at least one test per three (3) acres shall be made initially.
  - (S) Floodland and Shoreland boundaries and the contour lying vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood or where such data is not available five (5) feet above the elevation of the maximum flood of record within the exterior boundaries of the Plat or within one hundred (100) feet therefrom.
- 3. Street Plans and Profiles. The Town Engineer may require that the subdivider/developer provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon mean sea level (1929) datum, and plans and profiles shall meet the approval of the Town Engineer.
  - 4. Testing. The Town Engineer may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table. Where the subdivision will not be served by public sanitary sewer service, the provisions of Chapter H65 of the Wisconsin Administration Code shall be complied with; and the appropriate data submitted with the preliminary plat
  - 5. Soil And Water Conservation.
    - (A) The Town Engineer, upon determining from a review of the preliminary plat that the soil, slop, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earthmoving operations in the development of the subdivision or otherwise entail a severe erosion hazard, may require the subdivider/developer to



provide soil erosion and sedimentation control plans and specifications. Such plans shall comply with the requirements set forth in the Racine County Shoreland Zoning Ordinance, if the subdivision lies within the shoreland jurisdiction, and be consistent with the Racine County Conservation Standards.

- (B) Tree Cutting and Shrubbery Clearing shall not exceed thirty (30) percent of the lot or tract and shall be so conducted as to prevent erosion and sedimentation; preserve and improve scenic qualities; and, during foliation, substantially screen any development from stream or lake users.
  - (C) Paths and Trails in wooded and wetland areas shall not exceed ten (10) feet in width unless otherwise approved by the Town Planning Commission, and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs, and the minimum impairment of natural beauty.
  - (D) Earth Movements, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen and topography.
  - (E) Review of Such Cutting, Clearing, and Movement may be requested of the County Soil and Water Conservation District Supervisors, the State District Fish and Game Managers, and the State District Forester by the Town Engineer or Town Board as they deem appropriate.
- 6. Covenants. The Town Board may require submission of a draft of protective covenants whereby the subdivider or developer intends to regulate land use in the proposed subdivision or proposed condominium or multi family development and otherwise protect the proposed development.
  - 7. Affidavit. The surveyor preparing the preliminary plat or condominium plat shall certify on the face of the plat that it is correct representation of all existing land divisions and condominium layouts and features and that he has fully complied with the provision of this Chapter.
  - 8. Water Supply For Fire Protection. In all subdivisions in which a Final Plat has not yet been approved, the Developer/Owner shall install, prior to any building permits being issued for homes in said subdivision, a pond and/or dry hydrant or underground cistern, reviewed by the Tichigan Fire Department and/or the Town Engineer, and approved by the DNR, consisting of at least 20,000 gallons of water or such greater amount, as determined by the Tichigan Fire Department or Town Engineer, to be used for fire

protection.

- (A) It shall be the perpetual responsibility of the Developer/Owner to maintain said pond/hydrant/cistern or to delegate the responsibility to an entity approved by the Town Board.

## 10.05 FINAL PLAT

1. General. A Final Plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Section 236.20 of the Wisconsin Statutes.
2. Additional Information. The Plat shall show correctly on its face, in addition to the information required by Section 236.20 of the Wisconsin Statutes, the following:
  - (A) Exact Length and Bearing of the center line of all streets.
  - (B) Exact Street Width along the line of any obliquely intersecting street.
  - (C) Railroad Rights-of-Way within and abutting the plat.
  - (D) Setbacks or Building Lines recommended by the Town Planning Commission and/or approved by the Town Board.
  - (E) All Lands Reserved for future public acquisition or reserved for the common use of property owners within the Plat.
  - (F) Special Restrictions recommended by the Town Planning Commission and/or approved by the Town Board relating to access control along public ways or to the provision of planting strips.
  - (G) Floodland and Shoreland Boundaries and the contour lying vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval maximum flood of record within the exterior boundaries of the Plat or within one hundred (100) feet therefrom.
3. Deed Restrictions. The Town Board may require that deed restrictions be filed with the Final Plat.
4. Survey Accuracy. The Town Engineer shall examine all Final Plats within the Town and make field checks for the accuracy and closure of survey, proper kind and location of monuments and legibility and completeness of the drawing.
  - (A) Maximum Error of Closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of one part in ten thousand (1:10,000), nor in azimuth, four seconds of arc per interior angle. If field measurements exceed this maximum, new field measurement shall be made until a satisfactory closure is obtained. When a satisfactory closure of the field measurements has been obtained the survey of the exterior boundary shall be adjusted to form

a closed geometric figure.

- (B) All Street, Block and Lot Dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If field checks disclose an error for any interior line of the Plat greater than the ratio of one part in five thousand (1:5000), or an error in measured angle greater than one minute of arc for any angle where the shorter side forming the angle is three hundred (300) feet in length, the error shall not exceed the value of one minute multiplied by the quotient of three hundred (300) divided by the length of the shorter side; however, such error shall not in any case exceed five (5) minutes of arc.
  - (C) Where the Plat is Located within a quarter section the corners of which have been relocated, monumented and coordinated by Racine County or the Town of Waterford, the tie required by Section 236.20(3)(b) of the Wisconsin Statutes shall be expressed in terms of grid bearing and distance; and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the Plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision/development.
  - (D) Town Board shall receive the results of the Town Engineer's examination prior to approving the Final Plat.
- 5. Surveying and Monumenting. All final plats shall meet all the surveying and monumenting requirements of Section 236.15 of the Wisconsin Statutes.
  - 6. State Plane Coordinate System. Where the Plat is located within a quarter section the corners of which have been relocated, monumented and coordinated by the County, the Plat shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the Plat is tied shall be indicated on the Plat. All distances and bearings shall be referenced to the Wisconsin Coordinate system, South Zone, and adjusted to the County's control survey.
  - 7. Certificates. All final plats shall provide all certificates required by Section 236.21 of the Wisconsin Statutes; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this Chapter.

## 10.06 CERTIFIED SURVEY MAP

1. General. A Certified Survey Map prepared by a registered land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes. The minor subdivision shall comply with the design standards and improvement requirements set forth in Section 11.07 and 11.08 of this Chapter.
2. Additional Information. The map shall show correctly on its face, in addition to the information required by Section 236.34 of the Wisconsin Statutes, the following:
  - (A) All Existing Buildings, watercourses, drainage ditches and other features pertinent to proper division.
  - (B) Setbacks or Building Lines required by the Town Board.
  - (C) All Lands Reserved for future acquisition.
  - (D) Date of the Map.
  - (E) Graphic Scale.
  - (F) Name and Address of the owner, subdivider/developer and surveyor.
  - (G) Soil Boring and Soil Percolation Test Results from tests conducted in accordance with Section H65.06 of the Wisconsin Administrative Code.
  - (H) Names and Adjoining Streets, Highways, parks, cemeteries, subdivision ponds, streams, lakes, flowages and wetlands.
  - (I) A List of Soil Types Shall be Shown on the face of the CSM. These soils, if classified as having severe restrictions for sanitary purposes, shall be identified by shading on the face of the Preliminary Plat or CSM.
  - (J) Floodland and Shoreland Boundaries and the contour lying vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood or where such data is not available five (5) feet above the elevation of the maximum flood of record within the exterior boundaries of the Plat or within one hundred (100) feet therefrom.
3. State Plane Coordinate System. Where the map is located within a quarter section the corners of which have been relocated, monumented and coordinated by Racine County, the Map shall be tied directly to one of the sections or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field

measurements, and the material and Wisconsin state plane coordinate of the monument marking the relocated section or quarter corner to which the Map is tied shall be indicated on the Map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the County's control survey.

4. Certificates.

(A) The surveyor shall certify on the face of the Map that he has fully complied with all the provisions of this Ordinance. The Town Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the Map.

(B) Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes.

5. Recordation. The Certified Survey Map shall only be recorded with the county register of deeds after the certificates of the Town Board and the surveyor are placed on the face of the Map.

6. Inspection. The subdivider/developer, prior to commencing any work within the subdivision/development shall make arrangements with the Town Engineer to provide for adequate inspection. The Town Engineer shall inspect and approve all completed work prior to approval of the Final Plat or release of the sureties.

7. Certified Survey Map Fee. The Certified Survey Map fee shall be the Impact fee, as of December 31<sup>st</sup>, 2002, and to be adjusted annually by the Town Clerk all as passed and adopted by ordinance by the Town Board on May 25<sup>th</sup>, 1995 and adopted in this Code by reference.

Park Impact Fee	\$582.42
Police Impact Fee	\$323.24
Fire Impact Fee	\$307.99
Rescue Impact Fee	\$48.79
Highway Impact Fee	\$262.25

Total \$1,524.69

## 10.07 DESIGN STANDARDS

### Section I.

Street Arrangements. In any new subdivision the street layout shall conform to the arrangement, width and location indicated on the official map, comprehensive plan or component neighborhood development plan of the Town of Waterford, Wisconsin. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to the public convenience and safety, the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street.

- (A) Arterial Streets, as hereafter defined, shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
- (B) Collector Streets, as hereafter defined, shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as school, churches and shopping centers and other concentrations of population and to the major streets into which they feed.
- (C) Minor Streets, as hereafter defined, shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.
- (D) Proposed Streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Town Planning Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development to the adjacent tracts.
- (E) Arterial Street and Highway Protection. Whenever the proposed subdivision or development contains or is adjacent to a major street or highway,

adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a nonaccess reservation along the rear property line, or by the use of frontage streets.

- (F) Stream or Lake Shores shall have sixty (60) feet of public access platted to the low water mark at intervals of not more than one-half mile as required by Section 236.16(3) of the Wisconsin Statute.
- (G) Reserve Strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the Town under conditions approved by the Town Planning commission.
- (H) Alleys shall be provided in commercial and industrial areas for off-street loading and service access unless otherwise required by the Town Planning Commission, but shall not be approved in residential districts. Dead-end alleys shall not be approved, and alleys shall not connect to a major thoroughfare.
- (I) Street Names shall not duplicate or be similar to existing street names elsewhere in Racine County, and existing street names shall be projected wherever possible.



## Section II

(A) Limited Access Highway and Railroad Right- of-way Treatment. Whenever the proposed subdivision or development contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:

- (1) When Lots Within the Proposed Subdivision back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least thirty (30) feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be a part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip is reserved for the planting of trees and shrubs. The building of structures hereon is prohibited."
- (2) Commercial and Industrial Areas shall have provided, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highways or railroad, but not less than one-hundred and fifty (150) feet.
- (3) Streets Parallel to a Limited Access Highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of two-hundred and fifty (250) feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- (4) Minor Streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

### SECTION III

(A) Street Design Standards. The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the comprehensive plan, comprehensive plan component, official map, neighborhood development study; or jurisdictional highway system plan; or if no width is specified therein, the minimum widths shall be as follows:

(1) (See chart below)

Type of Street	Minimum Right-of-Way Width to be Dedicated	Minimum Pavement Width
Arterial Streets	130 feet	Dual 24 feet, 10 feet outside shoulders, 4 feet inside shoulders (20 foot median).
Collector Streets	80 feet	24 feet, 10 feet outside shoulders.
Minor Streets	66 feet	22 feet, 8 feet outside shoulders.
Alleys	25 feet	20 feet
Pedestrian Ways	10 feet	5 feet

Street sections are for standard arterial streets only. Cross sections for freeways, expressways and parkways should be based upon detailed engineering studies.

- (2) Cul-de-sac Streets designed to have one end permanently closed shall not exceed one thousand feet in length. All cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turn-around having a minimum right-of-way radius of sixty (60) feet and a minimum outside curb radius of forty (40) feet.
- (3) Temporary Termination of streets intended to be extended at a later date shall be accomplished with a temporary cul-de-sac in accordance with the standards set forth above, or by construction of a temporary T intersection 33 feet in width and 33 feet in length abutting the right-of-way lines of the access street on each side.
- (4) Street Grades. Unless necessitated by exceptional topography subject to the approval of the Town Board, the maximum centerline grade of any street or public way shall not exceed the following:
  - a. Arterial Streets: Six (6) percent.
  - b. Collector streets: eight (8) percent.
  - c. Minor streets, alleys and frontage streets: ten (10) percent.

- d. Pedestrian ways: Twelve (12) percent unless steps of acceptable design are provided.
  - e. The grade of any street shall in no case exceed twelve (12) percent or be less than one-half of one (0.5) percent.
- (5) Radii of Curvature. When a continuous street centerline deflects at any one point by more than ten (10) degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:
- a. Arterial streets and highways: 500 feet.
  - b. Collector streets: 300 feet.
  - c. Minor streets: 100 feet.
  - d. A tangent at least one hundred (100) feet in length shall be provided between reverse curves on arterial and collector streets.
- (6) Half-Streets. Where an existing dedicated or platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. The platting of half-streets shall not be permitted.

## SECTION IV

- (A) Street Intersections. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
- (B) Number of Streets Converging at one intersection shall be reduced to a minimum, preferably not more than two.
- (C) Number of Intersections along major streets and highways shall be held to a minimum. Wherever practicable the distance between such intersections shall not be less than twelve hundred (1200) feet.
- (D) Property Lines at Street Intersections shall be rounded with a minimum radius of fifteen (15) feet or of a greater radius when required by the Town Planning Commission, or shall be cut off by a straight line through the points of tangency of an arc having a radius of fifteen (15) feet.
- (E) Minor Streets shall not necessarily continue across arterial or collector streets; but if the centerlines of such minor streets approach the major streets from opposite sides within three hundred (300) feet of each other, measured along the centerline of the arterial or collector street, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous; and a jog is avoided.

## SECTION V

- (A) Blocks. The widths, lengths, and shapes of blocks shall be suited to the planned use of the land; zoning requirements; need for convenient access, control and safety of street traffic; and the limitations and opportunities of topography.
- (B) Length. Blocks in residential areas shall not as a general rule be less than six-hundred (600) feet nor more than fifteen hundred (1500) feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.
- (C) Pedestrian Ways of not less than ten (10) feet in width may be required near the center and entirely across any block over nine hundred (900) feet in length where deemed essential by the Town Planning Commission to provide adequate pedestrian circulation or access to schools, parks, shopping centers, churches or transportation facilities.
- (D) Width. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.
- (E) Utility Easements. All utility lines for electric power and telephone service shall be placed on mid-block easements along rear lot lines whenever carried on overhead poles.

## SECTION VI

- (A) Lots. The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.
- (B) Side Lot Lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.
- (C) Double Frontage and Reverse Frontage Lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
- (D) Depth. Lots shall have a minimum average depth of two-hundred (200) feet when not serviced by public sewer and one hundred-fifty (150) feet when serviced by public sewer. Excessive depth in relation to width shall be avoided and a proportion of two to one (2:1) shall be considered a desirable ratio under normal conditions. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.
- (E) Width of Lots located within the Shoreland/Floodplain jurisdiction of Racine County as set forth in Section 59.971 of the Wisconsin Statutes shall conform to the requirements of the Racine County Zoning Ordinance and to local ordinances, if more restrictive. All other lots shall be a minimum width at the building line of one hundred-fifty (150) feet where not serviced by public sewer and ninety (90) feet where serviced by public sewer.
- (F) Corner Lots shall have an extra width of ten (10) feet to permit adequate building setbacks from side streets.
- (G) Lands Lying Between the Meander Line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream.

## SECTION VII

- (A) Building and Setback Lines. Where not controlled by zoning regulations, building setback lines, appropriate to the location and type of development contemplated, shall be established as may be required by the Town Planning Commission and shall be based on requirements set forth in this section.
- (B) A Setback Line of not less than fifty (50) feet from the street right-of-way shall be established on all lots in subdivisions and minor land divisions not controlled by zoning regulations.
- (C) A Building Line of not less than fifteen (15) feet from any side lot line or fifty (50) feet from any rear lot line shall be established on all lots in subdivisions not controlled by zoning regulations.

## SECTION VIII

- (A) Easements. The Town Board may require utility easements of widths deemed adequate for the intended purpose on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for electric power and communication poles, wires, conduits; storm and sanitary sewers; and gas, water and other utility lines.
- (B) Drainage Easements. Where a subdivision is traversed by a watercourse, drainageway channel or stream, an adequate drainageway channel or stream, an adequate drainage- way or easement shall be provided as may be required by the Town. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the Town Engineer; and parallel streets or parkways may be required in connection therewith. Where necessary storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the Town Engineer.



## SECTION IX

Public Sites and Open Spaces. In the design of the plat, due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainageways and other public purposes. If designated on the comprehensive plan, comprehensive plan component, official map, or component neighborhood development plan, such areas shall be made a part of the plat as stipulated in Section 11.02(3) of these regulations. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, watercourses, watersheds and ravines.

(Waiver of Requirements. In the event any of the above requirements are found by the Town Board to be inappropriate for the particular development/improvement/land, the Town Board shall not require the implementation of the same.

## 10.08 REQUIRED IMPROVEMENTS.

1. Survey Monuments. The subdivider/developer shall install survey monuments placed in accordance with requirements of Chapter 236.15 of the Wisconsin Statutes and as may be required by the Town Engineer.
2. (A) Grading. After the installation of temporary block corner monuments by the subdivider/developer and establishment of street grades by the Town Board, the subdivider/developer shall grade the full width of the right- of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Town Engineer. The subdivider/developer shall grade the roadbeds in the street rights-of-way to subgrade.  
  
(B) Cut and Filled Lands shall be graded to a maximum slope of one on four or the soils angle of repose, whichever is the lesser, and covered with permanent vegetation.
3. Surfacing. After the installation of all utility and storm water drainage improvements, the subdivider/developer shall surface all roadways in streets proposed to be dedicated to the widths prescribed by these regulations and the comprehensive plan or comprehensive plan components of the Town. Said surfacing shall be done in accordance with plans and standard specifications approved by the Town Board. The cost of surfacing in excess of thirty- six (36) feet in width that is not required to serve the needs of the subdivision shall be borne by the Town.
4. Curb and Gutter. The Town Board may require the subdivider/developer to construct concrete curb and gutters in accordance with plans and standard specifications approved by the Town Board. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts. The cost of installation of all inside curbs and gutters for dual roadway pavements on the established arterial street and highway system for the Town shall be borne by the Town.
5. Rural Street Sections. When permanent rural street sections have been approved by the Town Board the subdivider/developer shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Town Board.
6. (A) Sidewalks. The Town Board may require the subdivider/developer to construct a concrete sidewalk on one side of all frontage streets and on one or both sides of all other streets within the subdivision. The construction of all sidewalks shall be in accordance with plans and standard specifications

approved by the Town Board.

- (B) Wider than Standard Sidewalks may be required by the Town Board in the vicinity of schools, commercial areas and other places of public assemblage, and the Town Board may require the construction of sidewalks in locations other than required under the preceding provisions of this chapter if such walks are necessary in their opinion, for safe and adequate pedestrian circulation.
- 7. (A) Public Sanitary Sewerage and Private Sewage Disposal Systems. When public sanitary sewerage facilities are available to the subdivision or development, or when it is proposed to establish a private sanitary sewerage system to serve two (2) or more lots, the subdivider/developer shall construct sanitary sewerage facilities in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision.
  - (B) Where a Town Sanitary District has been created pursuant to Section 60.30 of the Wisconsin Statutes for the purpose of providing and constructing sanitary sewer, such plans and standard specifications shall be further subject to approval by the Town Sanitary District Commission.
  - (C) The Subdivider/Developer shall assume the cost of installing all sanitary sewers, sewer laterals, and sewer appurtenances within the proposed subdivision or development.. In addition, the subdivider/developer shall pay to the Town or Town Sanitary District wherein the subdivision or development is located a sanitary sewer trunk line connection fee assessment as then established.
- 8. (A) Storm Water Drainage Facilities. The subdivider/developer, where applicable, shall construct storm water drainage facilities, adequate to serve the subdivision or development which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, water retention structures and settling basins. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazards to life or property.
  - (B) Unpaved Road Ditches and street gutters shall, if required, include water retention structures and settling basins so as to prevent erosion and sedimentation where such facilities discharge into streams or lakes. The design criteria, the size, type, grades and installation of all storm water drains and sewers and other cross-section, invert and erosion control paving check dams, flumes or other energy dissipating structures and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard

specifications approved by the Town Board. Where a Town Sanitary District has been created pursuant to Section 60.30 of the Wisconsin Statutes for the purpose of providing and constructing surface or storm water sewers or drainage improvements such plans and standard specifications shall be further subject to approval by the Town Sanitary District commission.

- (C) The Subdivider/Developer Shall Assume the cost of installing all storm sewers within the proposed subdivision. In addition, the subdivider/developer shall pay to the Town or Town Sanitary District wherein the subdivision/development plat is located, a storm sewer trunk line connection fee based on the added cost of installing larger sewers in the total tributary drainage area which shall be prorated in proportion to the ratio which the total area of the proposed plat is to the total drainage area to be served by such larger sewers.
9. (A) Water Supply Facilities. When public water supply and distribution facilities are available to the subdivision or when it is proposed to establish a private water supply and distribution system to serve two (2) or more lots, the subdivider/developer shall cause such water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the subdivision. The subdivider/developer shall make provision for adequate private water systems as required by the Town in accordance with the standards of the Wisconsin Department of Health and Social Services and the Department of Industry, Labor and Human Relations.
- (B) The Town Board may require the installation of water laterals to the street lot line.
- (C) The Size, Type, and Installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the Town Board.
- (D) Where a Town Sanitary District has been created pursuant to Section 60.30 of the Wisconsin Statutes for the purpose of providing and constructing a system, or systems of water works, such plans and standard specifications shall be further subject to approval by the Town Sanitary District Commission.
- (E) The Subdivider/Developer Shall Assume the cost of installing all water mains, water laterals, and water system appurtenances within the proposed subdivision/development except for the added cost of installing water mains greater than six (6) inches in diameter.
10. (A) Other Utilities. The subdivider/developer shall cause gas, electrical power and telephone facilities to be installed in such manner as to make adequate service available to each lot in the subdivision/development. No

such electrical or telephone service shall be located on overhead poles along the front lot lines unless otherwise allowed due to exceptional topography or other physical barrier.

(B) Plans Indicating the Proposed Location of all gas, electrical power and telephone distribution and transmission lines required to service the plat shall be approved by the Town.

11. Street Lamps. The Town Board may require the subdivider/developer to install street lamps along all streets proposed to be dedicated of a design compatible with the neighborhood and type of development proposed. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the Town Board.
12. Street Signs. The subdivider/developer shall install at the intersection of all streets proposed to be dedicated a street sign of a design as approved by the Town Board.
13. Street Trees. The subdivider/developer shall plant at least one (1) tree of an approved species and of at least six (6) feet in height for each fifty (50) feet of frontage on all streets proposed to be dedicated. Tree plantings shall be completed in accordance with plans and specifications approved by and at such time as directed by the Town Board.
14. Sediment Control. The subdivider/developer shall plant those grasses, trees, and vines, a species and size specified by the Town Board, necessary to prevent soil erosion and sedimentation.
15. The Town may require the subdivider/developer to provide or install certain protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles, and grade stabilization structures.

## 10.09 CONSTRUCTION SITE EROSION CONTROL

### SECTION 1. INTENT

1. Purpose. The intent of this ordinance is to require site grading; drainage and erosion control practices that will reduce the amount of sediment and other pollutants leaving construction sites during land development or land disturbance activities and further provide for proper storm water drainage facilities and grading for building sites. The Town of Waterford Town Board finds runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of the State and this Township and that proper grading and drainage considerations are important to the Township. It is the purpose of this ordinance to preserve the natural resources; to protect the quality of the waters of this State; to establish plan requirements for grading and drainage considerations; and to protect and promote the health, safety and welfare of the people, to the extent practicable by minimizing the amount of sediment and other pollutants carried by runoff or discharge from construction sites to lakes, streams and wetlands. This ordinance is adopted under the authority granted by s.62.234, Wis. Stats., for Townships. This ordinance applies to all land disturbing construction activities.
2. Applicability. This ordinance applies to land disturbing and land development activities on land within the boundaries and jurisdiction of the Town of Waterford. All state funded or conducted construction is exempt from this ordinance along with agricultural land use.

## SECTION II: DEFINITIONS

1. "Agricultural land use" means use of land for planting, growing, cultivating and harvesting of crops of human or livestock consumption and pasturing or yarding livestock.
2. "Commercial land use" means use of land for the retail or wholesale sale of goods or services.
3. "Construction site control measure" means a control measure used to meet the requirements of s.V(2).
4. "Control measure" means a practice or combination of practices to control erosion and attendant pollution.
5. "Control plan" means a written and/or drawn description of the number, locations, sizes, and other pertinent information of control measures designed to meet the requirements of this ordinance submitted by the applicant for review and approval by an Engineer designated by the Township.
6. "Engineer" means an engineer designated by the Town of Waterford.
7. "Erosion" means the detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.
8. "Grading & Drainage Plan" means a drainage plan conforming to requirements as set forth herein.
9. "Land developing activity" means the construction of buildings, roads, parking lots, paved storage areas and similar facilities.
10. "Land disturbing construction activity" means any manmade change of land surface including landscaping modifications, removing vegetative cover, excavating, filling and grading but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens and harvesting of trees.
11. "Landowner" means any person holding title to or having an interest in land.
12. "Land user" means any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.
13. "Runoff" means the rainfall, snowmelt, or irrigation water flowing over the

ground surface.

14. "Set of 1 year design storms" means the following rain intensities and rain volumes or corresponding values specific to the community for the storm duration of 0.5, 1, 2, 3, 6, 12 and 24 hours that occur approximately once per year.
15. "Site" means the entire area included in the legal description of the land on which the land disturbing or land development activity is proposed in the permit application.



SECTION III DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS FOR CONTROL MEASURE.

All erosion control measures required to comply with this ordinance shall meet the design criteria, standards and specifications for the control measures based on accepted design criteria, standards and specifications identified in the "Wisconsin Construction Site Best Management Practice Handbook" by the Engineer. Site grading shall be planned in such a way that it can be demonstrated that no adverse effect to neighboring property will result and that drainage drawings will be directed away from buildings and carried to acceptable drainageways or discharge points.

#### SECTION IV MAINTENANCE OF EROSION CONTROL MEASURES.

All sedimentation basins and other control measures necessary to meet the requirements of this ordinance shall be maintained by the applicant or subsequent landowners during the period of land disturbance and land development of the site in a satisfactory manner to ensure adequate performance and to prevent nuisance conditions.

Placement and Maintenance of Silt Fences: With respect to any construction which requires the installation of a *silt fence* or similar apparatus(as may be directed by Racine County or by the Town of Waterford), this silt fence shall be properly erected prior to the commencement of earth disturbance or any construction. All silt fences must be maintained in a proper and workable condition throughout the construction phase. The owner/developer shall insure that no silt fence shall be in a non-workable condition for more than 24 hours.

The forfeiture for violation of this Ordinance shall not exceed \$500.00 per calendar day that the violation continues.

**SECTION V CONTROL OF EROSION AND POLLUTANTS DURING LAND DISTURBANCE AND DEVELOPMENT.**

1. **APPLICATION.** This section applies to any construction activity as provided in sec. 144.266 WI Statutes as may be amended from time to time.
2. **EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS.** The following requirements shall be met on all sites described in sub. (1).
  - A. **Site dewatering.** Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro-cyclones, swirl concentrators, or other appropriate controls designed and used to remove particles of 100 microns or greater for the highest dewatering pumping rate. If the water is demonstrated to have no particles greater than 100 microns during dewatering operations, then no control is needed before discharge, except as determined by the Engineer. Water may not be discharged in a manner that caused erosion of the site or receiving channels.
  - B. **Waste and material disposal.** All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be properly disposed and not allowed to be carried by runoff into a receiving channel or storm sewer system.
  - C. **Tracking.** Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday.
  - D. **Drain inlet protections.** All storm drain inlets shall be protected with a straw bale, filter fabric, or equivalent barrier meeting accepted design criteria, standards and specifications.
  - E. **Site erosion control.** The following criteria (1. through 4.) apply only to land development or land disturbing activities that result in runoff leaving the site.
    1. Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described below in s. V(2) (e)3.c. Sheet flow runoff from adjacent areas greater than 10,000 square feet in area shall also be diverted around disturbed areas, unless shown to have resultant runoff velocities of less than 9.5 ft/sec across the disturbed area for the set of one year design storms. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.

2. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soils exposed at any one time.
3. Runoff from the entire disturbed area on the site shall be controlled by meeting either sub par.. a. and b. or a. and c.
  - a. All disturbed ground left inactive for 7 or more days shall be stabilized by seeding or sodding (only available between May 1st and September 15th) or by mulching or covering, or other equivalent control measure unless special waiver by Town is granted.
  - b. For sites with more than 10 acres disturbed at one time, or if a channel originates in the disturbed area, one or more sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least 1 % of the area draining to the basin and at least 3 feet of depth and constructed in accordance with accepted design specification. Sediment shall be removed to maintain a depth of 3 feet. The basin shall be designed to trap sediment greater than 15 microns in size, based on the set of 1-year design storms having durations from 0.5 to 24 hours. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.
  - c. For sites with less than 10 acres disturbed at one time, filter fences, straw bales, or equivalent control measures shall be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel.
  - d. Any soil or dirt storage piles containing more than ten cubic yards of material should not be located with a downslope drainage length of less than 25 feet to a roadway or drainage channel. If remaining for more than 7 days, they shall be stabilized by mulching, vegetative cover, tarps or other means. Erosion from piles which will be in existence for less than 7 days shall be controlled by placing straw bales or filter fence barriers around the piles. In-street utility repair or construction soil or dirt storage piles located closer than 25 feet of a roadway or drainage channel must be covered with tarps or suitable alternative control, if exposed for more than 7 days, and the storm drain inlets must be protected with straw bale or other appropriate filtering barriers.

3. GRADING AND DRAINAGE REQUIREMENTS. The following requirements shall be met on all sites described in sub. (1).

- A. Site grading. Grading work shall conform to approved plans having been either reviewed by local building inspectors or by the Town Engineer. Plans shall be prepared at a scale of 1" = 20' for sites less than one acre or 1" = 30' for larger sites. Both existing and proposed land contour lines should be shown with a minimum 2 foot contour interval. Streets and drainageway elevations are required along with all proposed floor grades of buildings being proposed and of adjacent buildings neighboring and property.
- B. On sites larger than 2 acres, runoff computations related to drainageways and water detention shall be provided. Calculations shall demonstrate that pre development runoff peak flows will not be exceeded by post development peak flows.
- C. It is required to demonstrate that the plan for construction will properly fit the existing topography of the site and not adversely affect others. It is recommended that the site grading, drainage and erosion control plans be included with a boundary survey for the lot at the time of applying for building permits.

## SECTION VI PERMIT APPLICATIONS, CONTROL PLAN, AND PERMIT ISSUANCE.

No land owner or land user may commence a land disturbance or land development activity subject to this ordinance without receiving prior approval of a site grading, drainage and erosion control plan for the site and a permit from the Building Inspector. The land owner or land user controlling or using the site and desiring to undertake a land disturbing or land developing activity subject to this ordinance shall submit an application for a permit with site grading, drainage and erosion control plan and pay an application fee to the Town Clerk. By submitting an application, the applicant is authorizing the Building Inspector and/or Town Engineer to enter the site to obtain information required for the review of the plan.

### 1. CONTENT OF THE SITE GRADING, DRAINAGE AND EROSION CONTROL PLAN FOR LAND DISTURBING ACTIVITIES COVERING MORE THAN ONE ACRE.

(A) Existing site map. A map of existing site conditions on a scale no greater than 1 inch equals 30 feet showing the site and immediately adjacent area. (If very large site, other scales may be approved to 1" = 50'.)

1. Site boundaries and adjacent lands which accurately identify site location;
2. Lakes, streams, wetlands, channels, ditches and other water courses on and immediately adjacent to the site.
3. 100 year floodplains, flood fringes and floodways; Southeast Regional Planning Commission determined environmental corridors.
4. Location of the predominant soil types;
5. Vegetative cover;
6. Location and dimensions of storm water drainage systems and natural drainage patterns on and immediately adjacent to the site;
7. Location and dimensions of utilities, structures, roads, highways and paving; and
8. Site topography at a contour interval not to exceed two feet.

(B) Plan of final site conditions. A plan of final site conditions on the same scale as the existing site map showing the site changes. Note that it is best to provide for all information on one plan i.e. existing condition, final conditions and construction plan details.

(C) Site construction plan. A site construction plan including;

1. Locations and dimensions of all proposed land disturbing activities.
2. Locations and dimensions of all temporary soil or dirt stockpiles;
3. Locations and dimensions of all construction site management control measures necessary to meet the requirements of this ordinance.
4. Schedule of anticipated starting and completion date of each land disturbing or land developing activity including the installation of construction site control measures needed to meet the requirements of this ordinance; and
5. Provisions for maintenance of the construction site control measures during construction and whom the person is to contact regarding this work.

2. CONTENT OF CONTROL PLAN STATEMENT FOR LAND DISTURBING ACTIVITIES COVERING ONE ACRE OR LESS, BUT MEETING THE APPLICABILITY REQUIREMENTS IN S. 5(1).

A site grading, drainage and erosion control plan shall be the same under S. 6(1) except soil types and drainage details need not be shown. The Building Inspector and/or Town Engineer may allow a brief description of the site and erosion controls (including the site development schedule) that will be used to meet the requirements of the ordinance in lieu of a plan but grading plans with elevation must be submitted.

3. REVIEW OF GRADING, DRAINAGE AND EROSION CONTROL PLANS. Within 45 days of receipt of the application, plan, and fee, the Building Inspector and/or Town Engineer shall review the application and plan to determine if the requirements of this ordinance are met, the Building Inspector and/or Town Engineer shall approve the plan, inform the applicant and authorize the issuance of a permit. If the conditions are not met, the Building Inspector and/or Town Engineer shall inform the applicant in writing and may either require needed information or disapprove the plan. Within 30 days of receipt of needed information, the Building Inspector and or Town Engineer shall again determine if the plan meets the requirements of this

ordinance. If the plan is disapproved, the Building Inspector and/or Town Engineer shall inform the applicant in writing of the reasons for the disapproval. The Town Engineer shall work together with the Building Inspector in this regard.

#### 4. PERMITS.

A. Duration. Permits shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Building Inspector and/or Town Engineer may extend the period one or more times for up to an additional 180 days. The Building Inspector or Town Engineer may require additional control measures as a condition of the extension if they are necessary to meet the requirements of this ordinance.

B. Surety Bond. As a condition of approval and issuance of the permit, the Town Engineer and/or Building Inspector may require the applicant to deposit a surety bond or irrevocable letter of credit in an amount deemed sufficient to guarantee a good faith execution of the approved control plan and any permit conditions. This in general would apply only to sites larger than 5 acres.

C. Permit Conditions. All permits shall require the permittee to:

1. Notify the Town of Waterford through its Building Inspector within 48 hours of commencing any land disturbing activity;
2. Notify the Town of Waterford through its Building Inspector of completion of any control measures within 14 days after their installation.
3. Obtain permission in writing from the Building Inspector or Town Engineer, if the Building Inspector so sees fit, prior to modifying the control plan;
4. Install all drainage and erosion control measures and establish grades as identified in the approved control plan.
5. Maintain all road drainage systems, stormwater drainage systems, control measures and other facilities identified in the control plan;
6. Repair any siltation or erosion damage to adjoining surfaces and drainageways resulting from land developing or disturbing activities.
7. Inspect the construction control measures after each rain of .5 inches or more, but no less than once each 24 hour time period and make needed repairs, replacements or additions.



8. Allow the Town Engineer and/or Building Inspector to enter the site for the purpose of inspecting compliance with the control plan or for performing any work necessary to bring the site into compliance with the plan; and

9. Keep a copy of the control plan on the site.

D. Permit fees: as a condition of approval and issuance of a permit, all applicants shall be required to pay a permit fee as follows:

Project of one (1) acre or less - \$75.00

Projects of more than one (1) acre - \$75.00 per acre,  
plus all engineering, legal, administrative and contingency costs  
(the estimate of which the Town may require payment in advance)

## SECTION VII INSPECTION

1. The Town may post a stop-work order if:
  - A. Any land disturbing or land developing activity regulated under this ordinance is being undertaken without a permit;
  - B. The control plan is not being implemented in a good faith manner; or
  - C. The conditions of the permit are not being met.
2. If the permittee does not cease the activity or comply with the control plan or permit conditions immediately, the Town Engineer and/or Building Inspector shall post a stop work order or may revoke the permit.
3. If the land owner or land user where no permit has been issued does not cease the activity immediately, and within two (2) business days submit an application for permit as provided by this ordinance, the Town Clerk may request the Town Attorney to obtain a cease and desist order.
4. Anytime after five (5) days of posting a stop work order, the Town Engineer and/or Building Inspector may issue a notice of intent to the permittee or land owner or land user of the Town's intent to perform work necessary to comply with this ordinance. The Town may go on the land and commence the work after five (5) days from issuing the notice of intent. The costs of the work performed by the Town, plus interest at the rate authorized by the Town Board shall be billed to the permittee or the land owner. In the event a permittee or land owner fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to section 66.60(16), Wis. Stats.
5. Any person violating any of the provisions of this ordinance shall be subject to a forfeiture of not more than \$500 and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.
6. Compliance with the provision of this ordinance may also be enforced by injunction.

## SECTION VIII APPEALS

1. TOWN BOARD. The Town Board will hear and consider appeals made as follows:
  - A. Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Town Engineer, Building Inspector or other Town Official in administering this ordinance; and
  - B. Upon appeal, may authorize variances from the provisions of this ordinance which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship.
  - C. Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.
- (2) WHO MAY APPEAL. Any applicant, permittee, land owner, or land user may appeal any order, decision or determination made by the Town, Town Engineer, Building Inspector, or other Town official in administering this ordinance.

## 10.10 CONSTRUCTION

1. Commencement. No construction or installation of improvements shall commence in a proposed subdivision/development until the Preliminary Plat or Certified Survey map has been approved and the Town Engineer has given written authorization.
2. Building Permits. No building, zoning, or sanitary permits shall be issued for erection of a structure on any lot not of record until all the requirements of this Chapter have been met.
3. Plans. The following plans and accompanying construction specifications may be required by the Town Engineer before authorization of construction or installation of improvements.
  - A. Street Plans and Profiles showing existing and proposed grades, elevations and cross sections of required improvements.
  - B. Sanitary Sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
  - C. Storm Sewer plans and profiles showing the locations, sizes elevations and materials of required facilities.
  - D. Water Main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
  - E. Erosion and Sedimentation Control Plans showing those structures required to retard the rate of run off water and those grading and excavating practices that will prevent erosion and sedimentation.
  - F. Planting Plans showing the locations, age, caliber and species of any required grasses, vines, shrubs, and trees.
  - G. Additional special plans or information as required.
4. (A) Erosion Control. The subdivider/developer shall cause all grading, excavation, open cuts, side slopes, and other land surface disturbances to be so mulched, seeded, sodded, or otherwise protected that erosion, siltation, sedimentation, and washing are prevented, in accordance with the plans and specifications approved by the Town Engineer.
  - (B) Sod Shall Be Laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.
  - (C) Temporary Vegetation and mulching shall be used to protect critical areas,

and permanent vegetation shall be installed as soon as practical.

- (D) Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.
  - (E) Sediment Basins shall be installed and maintained at all drainageways to trap, remove, and prevent sediment and debris from being washed outside the area being developed.
5. (A) Existing Flora. The subdivider/developer shall make every effort to protect and retain all existing trees, shrubbery, vines and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails.
- (B) Such Trees are to be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by well islands or retaining walls whenever abutting grades are altered.
6. Inspection. The subdivider/developer, prior to commencing any work within the subdivision/development shall make arrangements with the Town Engineer to provide adequate inspection. The Town Engineer shall inspect and approve all completed work prior to approval of the Final Plat or release of the sureties.

## 10.11 CONSTRUCTION SITE REQUIREMENTS

1. In every instance where new construction is commenced upon a site within the Town of Waterford, for which a building permit is required, the owner and/or the contractor shall be jointly and severally responsible for a provision at the construction site of a rear load refuse bin (dumpster) of sufficient size to adequately contain, from time to time, the waste generated at such site.
2. In every instance where a building permit is required for improvement, remodeling, reconstruction, addition, or partition, of an existing structure in the Town of Waterford, the owner and/or the contractor shall be jointly and severally responsible for the placement on the site of a rear load refuse bin (dumpster), of sufficient size to handle the refuse generated from time to time, if, in the determination of the building inspector, a dumpster is required based upon the nature and extent of the work to be accomplished.

## 10.12 FEES.

1. General. The subdivider, developer or builder shall pay the Town all fees as hereinafter required and at the times specified. Whenever reference is made as to fees payable to the Town, said fees, shall extend to condominiums, multiple family dwelling units, planned unit developments or any other structure with more than two dwelling units in said structure. Further, each condominium unit, multi-family dwelling unit, dwelling unit or planned unit shall be subject to the public site fee established for subdivision lots.
2. (A) Preliminary Plat Review Fee.
  1. The subdivider/developer shall pay a fee amounting to Four hundred Dollars (\$400.00) plus Twenty Dollars (\$20.00) for each lot or parcel within the preliminary plat to the Town Treasurer at the time of first application for approval of any preliminary plats to assist in defraying the cost of review.
  2. Reapplication Fee amounting to Two Hundred Dollars (\$200.00) shall be paid to the Town Treasurer at the time of reapplication for approval of any preliminary plat which has previously been reviewed.
  3. (A) Improvement Review Fee. The subdivider/developer shall pay a fee equal to one (1) per cent of the cost of the required public improvements as estimated by the Town Engineer at the time of the submission of improvement plans and specifications to partially cover the cost to the Town of checking and reviewing such plans and specifications.
    - B. Fee May Be Recomputed, upon demand of the subdivider/developer or Town Engineer, after completion of improvement construction in accordance with the actual cost of such improvements and the difference, if any, shall be paid by or remitted to the subdivider/developer. Evidence of cost shall be in such detail and form as required by the Town Engineer.
4. Inspection Fee. The subdivider/developer shall pay a fee equal to the actual cost to the Town for such inspection as the Town Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Town or any other governmental authority.
5. (A) Final Plat Review Fee. The subdivider/developer shall pay a fee amounting to Four Hundred Dollars (\$400.00) plus Twenty Dollars (\$20.00) for each lot or parcel within the final plat/plan to the Town Treasurer at the time of first application for approval of said plat/plan to assist in defraying the

cost of review.

(B) Reapplication Fee amounting to Two Hundred Dollars (\$200.00) shall be paid to the Town Treasurer at the time of a reapplication for approval of any final plat which has previously been reviewed.

3. (A) Impact Fee. An impact fee is hereby established for subdivision lots and lots created by a minor land division/certified survey map, as follows:

(1) One REU \$1,313 to be applied as follows:

Park Impact Fee	\$582.42
Police Impact Fee	\$323.24
Fire Impact Fee	\$307.99
Rescue Impact Fee	\$48.79
Highway Impact Fee	\$262.25

Total \$1,524.69

(2) This impact fee shall be adjusted yearly, commencing January 1, 1997, and yearly thereafter, based on the change in the Consumer Price Index for the preceding calendar year.

(3) No exemption shall be made on land development that provides for low cost housing.

(4) There is hereby established an impact fee fund. Revenues from said fund shall be accounted for separately from all other funds of the Town. Revenues for said fund, including impact fee revenues and interest earned on impact fee revenues, may be expended only for capital costs for which the impact fees were imposed.

(5) Impact fees that are imposed and collected by the Town of Waterford, but not used within a reasonable time period after which they were collected, shall be refunded to the current owner of property with respect to which the impact fees were imposed. The Town hereby determines that a reasonable time period for using said fees is twenty (20) years for all said public facilities.

(6) A developer upon whom an impact fee is imposed has the right to contest the amount, collection or use of the impact fee by appealing to the Town Board of the Township of Waterford.

(7) If a condominium development, subdivision, planned unit development, multiple family unit development, or certified survey split is proposed, the Town Board shall require an impact fee for the acquisition and development to serve the future inhabitants of such proposed development. Said fees shall be paid to the Town Treasurer at the time of final approval in the



amount as listed above.

4. (A) Professional Fee. The subdivider/developer shall pay the Town Engineer and/or Town Attorney for all engineering work and legal work incurred in connection with the plat.
- (B) Engineering Work. Such work shall include the preparation of construction plans and standard specifications. The Town engineer may permit the subdivider/developer to furnish all, some or part of the required construction plans and specifications.
- (C) Legal Work shall include the drafting of contracts between the Town and the subdivider/developer
- (D) Inspections, checking and reviewing work fees as provided in this Code.
5. (A) Administrative Fee. The subdivider/developer shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Town in connection with the plat.

## 10.13 DEFINITIONS.

For the purposes of this Chapter the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory.

1. Alley. A special public way affording only secondary access to abutting properties.
2. Arterial Street. A street used, or intended to be used primarily for fast or heavy through traffic. Arterial street shall include freeways and expressways as well as standard arterial streets, highways and parkways.
3. Building Line. A line parallel to a lot line and at a distance from the lot line to comply with the terms of this Ordinance.
4. Collector Street. A street used, or intended to be used, to carry traffic from minor streets to the major system of arterial streets including the principal entrance streets to residential developments.
5. Community. A town, municipality, or a group of adjacent towns and/or municipalities having common social, economic or physical interests.
6. Comprehensive Plan. The extensively developed plan, also called the master plan(land use plan), adopted by the Town Planning Commission and certified to the Town Board pursuant to section 62.23 of the Wisconsin Statutes, including proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division, and building line ordinances and capital improvement programs shall also be considered a part of the comprehensive plan.
7. Condominium. Means property subject to a condominium declaration established under Chapter 7.03 of the Wisconsin Statutes.
8. County Planned Agency. Any agency created by a county board and authorized by statute to plan land use such as rural a planning committee, a park commission, a zoning committee or a planning commission.
9. Cul-de-Sac Street. Minor street closed at one end with a turn-around provided for passenger vehicles.
10. Developer. Any individual, firm or corporation or any agent thereof, who divides lands, builds, proposes to build any Planned Unit Development or Multiple Family Unit, subdivision, or certified survey split, or who builds,

proposes to build or converts any residential property subject to a Condominium declaration under Section 703, of the Wisconsin Statutes.

11. Extraterritorial Plan Approval Jurisdiction. The unincorporated area within one-and-one-half (1-1/2) miles of a fourth class city or a village and within three (3) miles of all other cities.
12. Floodlands. Those lands, including the floodplains, floodways, and channels, subject to inundation by the one hundred-(100)-year recurrence interval flood, or where such data is not available, the maximum flood of record.
13. Frontage Street. A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
14. High Water Elevation. The average annual high water level of a pond, stream, lake, flowage, or wetland referred to an established datum plan or, where such elevation is not available, the elevation of the line up to which the presence of the water is so frequent as to leave a distinct mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic, geologic, or vegetative characteristic.
15. Lot. A parcel of land having frontage on a public or other officially approved means of access occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of the County Zoning Ordinance or this Ordinance.
16. Lot, Corner. A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.
17. Lot, Through. A lot which has a pair of opposite lot lines along two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines but in the case of two or more continuous through lots, there shall be a common front lot line.
18. Minor Street. a street used, or intended to be used, primarily for access to abutting properties.
19. Minor Land Division. The division of land by the owner or subdivider/developer resulting in the creation of two (2) or more, but not more than four (4), parcels or building sites, within a five year time period, any one of which is equal to or less than (35) acres in size; or the division of a block, lot or outlot within a recorded subdivision plat into not more than four (4) parcels or building sites without changing the exterior boundaries of said

block, lot or outlot. Such minor land division may be made by a certified survey map.

20. Municipality. An incorporated village or city.
21. National Map Accuracy Standards. Standards governing the horizontal and vertical accuracy of topographic maps and specifying the means for testing and determining such accuracy, endorsed by all federal agencies having surveying and mapping functions and responsibilities. These standards having been fully reproduced in Appendix D of SEWRPC Technical Report No. 7, Horizontal and Vertical Survey Control in Southeastern Wisconsin.
22. Navigable Stream. Any stream capable of floating any boat, skiff, or canoe, of the shallowest draft used for recreational purposes.
23. Outlot. A parcel of land, other than a lot or block so designated on the plat, but not of standard lot size, which can be either redivided into lots or combined with one or more other adjacent outlots or lots in adjacent subdivisions or minor subdivisions in the future for the purpose of creating buildable lot.
24. Preliminary Plat./Final Plat (Preliminary Plat) a map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration. (Final Plat) The approved subdivision plat.
25. Public Way. Any public road, street, highway, walkway, drainageway, or part thereof.
26. Replat. The changing of the boundaries of a recorded subdivision plat or pat thereof.
27. Shorelands. Those lands lying within the following distances: one thousand (1,000) feet from the high water elevation of the navigable lakes, ponds, and flowages or three hundred (300) feet from the high water level elevation of navigable streams or to the landward side of the floodplain, whichever is greater.
28. Soil Mapping Unit. Soil type, slope, and erosion factor boundaries as shown on the operational soil survey maps prepared by the U. S. Soil Conservation Service.
29. Subdivider/developer. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, or minor subdivision.

30. Subdivision. The division of a lot, parcel or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of (35) acres each or less in area; or where the act of division creates five (5) or more parcels or building sites of (35) acres each or less in area by successive division within a period of five (5) years.
31. Surety Bond. A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider/developer.
32. Wetlands. Those lands which are partially or wholly covered by marshland flora and generally covered with shallow standing water or lands which are wet and spongy due to a high water table.
33. Wisconsin Administrative Code. The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system as directed by Section 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

## **(11) CHAPTER 11**

### **JUVENILE JUSTICE CODE**

The Town Board of the Township of Waterford, at its regular monthly meeting, does hereby adopt Chapter 938 of the Wisconsin Statutes, known as the “Juvenile Justice Code” and incorporates the same into the Municipal Code of the Town of Waterford.

Refer to Chapter 938 of the Wisconsin Statutes, the “Juvenile Justice Code.”

#### **SUBCHAPTER I: General Provisions.**

##### **Section.**

- 938.01. Title, legislative intent and purposes.
- 938.02. Definitions.
- 938.028. Custody of Indian children.

#### **SUBCHAPTER II: Organization of Court.**

- 938.03. Time and place of court; absence or disability of judge; court of record.
- 938.06. Services for court.
- 938.065. Juvenile court commissioners.
- 938.067. Powers and duties of intake workers.
- 938.069. Powers and duties of disposition staff.
- 938.07. Additional sources of court services.
- 938.08. Duties of person furnishing services to court.
- 938.09. Representation of the interest of the public.
- 938.10. Power of the judge to act as intake worker.

#### **SUBCHAPTER III: Jurisdiction.**

- 938.12. Jurisdiction over juveniles alleged to be delinquent.
- 938.125. Jurisdiction over juveniles alleged to have violated civil laws or ordinances.
- 938.13. Jurisdiction over juveniles alleged to be in need of protection or services.
- 938.135. Referral of juveniles to proceedings under Ch. 51 or 55.
- 938.14. Jurisdiction over interstate compact proceedings.
- 938.15. Jurisdiction of other courts to determine legal custody.
- 938.17. Jurisdiction over traffic, boating, snowmobile and all-terrain vehicle violations and other civil law and ordinance violations.
- 938.18. Jurisdiction for criminal proceedings for juveniles 14 or older; waiver hearing.
- 938.183. Original adult court jurisdiction for criminal proceedings.

938.185. Venue.

#### SUBCHAPTER IV: Holding a Juvenile In Custody.

- 938.19. Taking a juvenile into custody.
- 938.20. Release or delivery from custody.
- 938.205. Criteria for holding a juvenile in physical custody.
- 938.207. Places where a juvenile may be held in nonsecure custody.
- 938.208. Criteria for holding a juvenile in a secure detention facility.
- 938.209. Criteria for holding a juvenile in a county jail.
- 938.21. Hearing for juvenile in custody.
- 938.22. Establishment of secure detention facilities and shelter care facilities.
- 938.223. Contracts with Minnesota counties for secure detention facility services.
- 938.225. Statewide plan for secure detention facilities.
- 938.23. Right to counsel.
- 938.235. Guardian ad litem.
- 938.237. Civil law and ordinance proceedings initiated by citation in the court assigned to exercise jurisdiction under this chapter and Ch. 48.

#### SUBCHAPTER V: Procedure.

- 938.24. Receipt of jurisdictional information; intake inquiry.
- 938.243. Basic rights: duty of intake worker.
- 938.245. Deferred prosecution.
- 938.25. Petition: authorization to file.
- 938.255. Petition: form and content.
- 938.263. Amendment of petition.
- 938.27. Notice; summons.
- 938.273. Service of summons or notice; expense.
- 938.275. Parents' contribution to cost of custody, sanctions and court and legal services.
- 938.28. Failure to obey summons; capias.
- 938.29. Substitution of judge.
- 938.293. Discovery.
- 938.295. Physical, psychological, mental or developmental examination.
- 938.296. Testing for HIV infection and certain diseases.
- 938.297. Motion before trial.
- 938.299. Procedures at hearings.
- 938.30. Plea hearing.
- 938.305. Hearing upon the involuntary removal of a juvenile.
- 938.31. Fact-finding hearing.
- 938.315. Delays, continuances and extensions.

- 938.317. Jeopardy.
- 938.32. Consent decree.

#### SUBCHAPTER VI: Disposition.

- 938.33. Court reports.
- 938.331. Court reports; effect on victim.
- 938.335. Dispositional hearings.
- 938.34. Disposition of juvenile adjudged delinquent.
- 938.341. Delinquency adjudication; restriction on firearm possession.
- 938.342. Disposition; truancy and school dropout ordinance violations.
- 938.343. Disposition of juvenile adjudged to have violated a civil law or an ordinance.
- 938.344. Disposition; certain intoxicating liquor, beer and drug violations.
- 938.345. Disposition of juvenile adjudged in need of protection or services.
- 938.346. Notice to victims of juveniles' acts.
- 938.35. Effect of judgment and disposition.
- 938.355. Dispositional orders.
- 938.356. Duty of court to warn.
- 938.357. Change in placement.
- 938.36. Payment for services.
- 938.361. Payment for alcohol and other drug abuse services.
- 938.362. Payment for certain special treatment or care services.
- 938.363. Revision of dispositional orders.
- 938.364. Dismissal of certain dispositional orders.
- 938.365. Extension of orders.
- 938.368. Continuation of dispositional orders.
- 938.37. Costs.
- 938.371. Access to certain information by substitute care provider.
- 938.373. Medical authorization.

#### SUBCHAPTER VII: Permanency Planning; Records

- 938.38. Permanency Planning.
- 938.39. Disposition by court bars criminal proceeding.
- 938.396. Records.

#### SUBCHAPTER IX: Jurisdiction Over Persons 17 Or Older

- 938.44. Jurisdiction over persons 17 or older.
- 938.45. Orders applicable to adults.

#### SUBCHAPTER X: Rehearing and Appeal



938.46. New evidence.

#### SUBCHAPTER XI: Authority

- 938.48. Authority of department.
- 938.49. Notification by court of placement with department;  
information for department.
- 938.50. Examination of juveniles under supervision of department.
- 938.505. Juveniles placed under correctional supervision.
- 938.51. Notification of release or escape of juvenile from  
correctional custody.
- 938.52. Facilities for care of juveniles in care of department.
- 938.53. Duration of control of department over delinquents.
- 938.532. Juvenile boot camp program.
- 938.533. Corrective sanctions.
- 938.534. Intensive supervision program.
- 938.535. Early release and intensive supervision program; limits.
- 938.538. Serious juvenile offender program.
- 938.539. Type 2 status.
- 938.54. Records.
- 938.547. Juvenile alcohol and other drug abuse pilot program.
- 938.548. Multidisciplinary screen and assessment criteria.
- 938.549. Juvenile classification system.

#### SUBCHAPTER XII: County Juvenile Welfare Services

- 938.57. Powers and duties of county departments providing juvenile  
welfare services.
- 938.59. Examination and records.
- 938.595. Duration of control of county departments over delinquents.

#### SUBCHAPTER XVII: General Provisions on Records

- 938.78. Confidentiality of records.

#### SUBCHAPTER XVIII: Community Services

- 938.795. Powers of the department.

#### SUBCHAPTER XX: Miscellaneous Provisions

- 938.983. Purchase or possession of tobacco products prohibited.
- 938.988. Interstate placement of juveniles.
- 938.991. Interstate compact on juveniles
- 938.992. Definitions.
- 938.993. Juvenile compact administrator.
- 938.994. Supplementary agreements.

- 938.995. Financial arrangements.
- 938.996. Compensation.
- 938.997. Responsibilities of state departments, agencies and officers.
- 938.998. Rendition of juveniles alleged to be delinquent.

## **(12) CHAPTER 12**

### **Alternative Claim Procedure for Refunds of Tax Payments in Excess of Tax Bill Amounts**

Section 1. Purpose and Intent. It is the declared intent of this ordinance that tax payments made in excess of the tax bill amounts shall be refunded pursuant to the procedures established under this ordinance within 15 business days of the payment. Further it is the declared intent that this policy shall be in full force and effect upon adoption by the town board, with the purpose of complying with Sec. 74.03 (2) of Wis. Statutes (as adopted by 1997 Wis. Act 315).

Section 2. This ordinance is adopted pursuant to the authority granted to town boards under Sec. 60.44 (2) of Wis. Statutes to adopt an alternative claim procedure for approving financial claims against the town which are in the nature of bills and vouchers.

Section 3. Required Procedures of Treasurer upon payment of excess amount over tax bill amount.

Pursuant to Sec. 60.34 of Wis. Statutes upon receipt of tax payments in excess of the tax bill, the town treasurer shall deposit as soon as practicable all payments in the name of the town in public depositories designated by the town board. Upon verification by the town treasurer that the payment as deposited has cleared and not been returned as insufficient funds, but not later than 15 days after depositing, the treasurer shall notify the town clerk in writing: the name and mailing address of the taxpayer for whom a refund in excess of the tax bill amount is due, the amount of the refund in excess of the tax bill, the date payment was received, and a statement that the payment as made has cleared and not been returned as insufficient funds.

Section 4. Required Procedures of Clerk upon notification from treasurer of excess payment of tax bill amount.

Upon written notification from the town treasurer that a taxpayer has made a tax payment in excess of the tax bill amount, the town clerk shall issue the normal voucher or authorization for payment of the refund of the excess amount over the tax bill amount upon finding the following:

1. Funds are available to pay the bill, assuming the tax payment has cleared and not been returned as is evidenced by the treasurer's notice.
2. The town board has authorized the refund of excess tax payments as established by the adoption of this ordinance.
3. The refund is due in the amount noticed by the town treasurer as a tax payment in excess of the amount of the tax bill.
4. The refund is a valid claim against the town, being a payment in excess of the tax bill amount.

Further the town clerk shall prepare monthly, to be submitted to the town board at each monthly meeting, a list of claims paid under this procedure, listing the amount of the claims, the date paid, the name of the taxpayer/claimant, and that the payment was a refund for excess tax payment.

Section 5. Issuance of disbursement from local treasury.

Upon approval of a voucher (or proper authorization) by the town clerk under the procedures listed in Sec. 4 of this ordinance, a refund check payable to the taxpayer/claimant named in the voucher or authorization and in the amount approved shall be written by the town treasurer and countersigned by the town clerk and the town chairman, pursuant to Sec. 66.042 of Wis. Statutes shall be issued not later than 15 business days from the date the tax payment was received by the town treasurer as noticed by the town treasurer in Sec. 3 of this ordinance.

Section 6. Mailing or delivery of refund check to taxpayer/claimant. Upon issuance of the proper countersigned refund check, pursuant to the procedures in this ordinance, the refund check shall be delivered to the taxpayer/claimant or mailed to the last known mailing address of the taxpayer/claimant by the town treasurer.

**(13) CHAPTER 13**

**GENERAL PROVISIONS**

- 13.01 Rules of Construction
- 13.02 Conflict and Severability
- 13.03 Clerk to File Documents Incorporated by Reference
- 13.04 Effect of Repeal
- 13.05 Title; Effective Date; Citations
- 13.06 Style of Ordinances: Additions and Repeals
- 13.07 Clerk to File Ordinances; Supplemental Sheets
- 13.08 Penalty
- 13.09 Special Assessment Procedures
- 13.10 Miscellaneous Fee Provisions
- 13.11 Ordinance Interpretation

## 13.01 RULES OF CONSTRUCTION

(1) In the construction of this code of general ordinances, the following rules shall be observed, unless construction in accordance therewith would be inconsistent with the manifest intent of the ordinance:

- A. Gender: Singular and Plural. Any word in this code of ordinances importing the masculine gender may extend and be applied to females as well as males, and every word importing the singular number only may extend and be applied to several person or things as well as to one person or thing; provided that these rules of construction shall not be applied to any provision when the subject matter or content of such provisions is repugnant thereto.
- B. Person. The word "person" extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and all entities of any kind capable of being sued, unless plainly inapplicable.
- C. Wisconsin Statutes. The term Wisconsin Statutes wherever used in this code of ordinances shall mean the Wisconsin Statutes for the current year and shall include session laws up to the date of the passage of this Municipal Code and shall include all amendments to state statutes.
- D. Acts of Agents. When a provision requires an act to be done which may by law be done by an agent as well as by the principal, the provision shall be construed to include all such acts done by an authorized agent.

## 13.02 CONFLICT AND SEVERABILITY.

1. Conflict of Provisions. If the provisions of the different chapters of this code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter.
2. Severability of Code Provisions. If any section, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof. The Town Chairperson and Town Board of the Town of Waterford hereby declare that they would have passed this code and such chapter section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional.

### 13.03 CLERK TO FILE DOCUMENTS INCORPORATED BY REFERENCE.

Whenever, in this Municipal Code, any standard, code, rule, regulation or other written or printed matter, other than the Wisconsin Statutes or other sections of this Code, are adopted by reference, they shall be deemed incorporated into this Code as if fully set forth herein, and the Town Clerk is hereby directed and required to file, deposit, and keep in his/her office a copy of the Code, standard, rule, regulation or other written or printed matter as adopted. Materials so filed, deposited and kept shall be public records open for examination with proper care by any person during the Clerk's office hours, subject to any orders or regulations the Clerk prescribes for their preservation.



#### 13.04 EFFECT OF REPEAL OR AMENDMENT.

The repeal or amendment of any section or provision of this code or any other ordinance or resolution of the Town Board shall not:

1. By implication be deemed to revive any ordinance not in force or existing at the time at which such repeal or amendment takes effect.
2. Affect any vested right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed or amended, unless the privilege of repealing such obligation or privilege has been reserved by the Town.
3. Affect any offense committed, penalty or forfeiture incurred prior to the time when any ordinance is repealed or amended, except that when any forfeiture or penalty is mitigated by the provisions of any newly enacted ordinance, such provisions shall apply to and control any judgement to be pronounced after such ordinance takes effect for any offense committed before that time.
4. Affect any prosecution for any offense, or the levy of any penalty or forfeiture pending at the time when any ordinance is repealed or amended, but the right of action shall continue and the offender shall be subject to the penalty as provided in such ordinance, and such prosecution shall proceed, in all respect as if such ordinance or ordinances had not been repealed, except that all such proceedings had after the time this code shall take effect, shall be conducted according to the provisions of this code, and shall be, in all respects, subject to the provisions of this code.

13.05 TITLE; EFFECTIVE DATE; CITATIONS.

These ordinances shall be known as the "Municipal Code of the Town of Waterford" and shall take effect from and after passage and publication. All references thereto shall be cited by section number (Example: Sec. 5.02(1), Municipal Code of the Town of Waterford).

### 13.06 STYLE OF ORDINANCES: ADDITIONS, AMENDMENTS AND REPEALS.

All general ordinances hereafter enacted by the Town Board of the Town of Waterford shall be numbered in numerical order, and shall indicate by appropriate decimal number the section, subsection or paragraph of this Code created, amended, repealed or revised. The foregoing Code shall be the reorganized laws of the Town of Waterford. Such Code shall remain in full force and effect and any amendments, additions or revisions and other changes thereto are deemed to become part of this Code as if fully set forth herein. Any amendments or additions that are in conflict with any Section of this Code shall be revisions heretofore controlling.

### 13.07 CLERK TO FILE ORDINANCES; SUPPLEMENTAL SHEETS.

The Town Clerk shall certify one copy of this code as the original Municipal Code of the Town of Waterford and shall file the same as part of the Town of Waterford Ordinance Book. Such copy shall be retained in its original form. In addition, the Clerk shall retain in his/her office at least one copy of the Municipal Code of the Town of Waterford in current form in which shall be inserted all supplemental sheets as hereinafter provided.

Whenever any ordinance amending, repealing, revising or creating any section of this Code is adopted by the Town Board, the Clerk, after filing the same in the Town Ordinance Book, shall reproduce copies of the evidence on Supplemental Sheets in proper form for insertion in the Municipal Code and shall insert such ordinances in all copies of this Code in his possession except the aforementioned original copy. The Clerk shall make such supplemental sheets available (at cost) (at a fee specified by the Town Board) to all persons requesting the same.

### 13.08 PENALTY.

Any person violating any provision of this Municipal, or any Wisconsin Statute incorporated herein by reference, and if a specific penalty is not stated for violation thereof, shall forfeit not less than Ten (\$10.00) dollars nor more than the maximum amount allowable under the Municipal Code, plus the costs of prosecution, assessments or other costs. Upon failure to pay said forfeiture and costs imposed by the Municipal Court, such person may be imprisoned in the County Jail for a period not to exceed 90 days or have his driver's license suspended for a period not to exceed 2 years. However, in the event that the Wisconsin Statutes mandates a lesser forfeiture and/or incarceration, than those Statutory provisions shall govern.

### 13.09 MISCELLANEOUS FEE PROVISIONS.

The amounts of permit and license fees not specifically found in this Code of Ordinances and any amendments to said fee amounts found in this Code are on file with the Town Clerk.

In the event the amount of fee as set by the Town for any permit or license exceeds that allowed by law, then the maximum amount allowed by law is hereby deemed to be the fee charged by the Town.

The Clerk is directed to keep on file a statement of all applicable license and permit fees effective with this Ordinance.

### 13.10 ORDINANCE INTERPRETATION

1. When reference is made to the Wisconsin Administrative Code or other Wisconsin Statutes, all revisions, amendments and other changes thereto are deemed to become part of this Chapter as if fully set forth herein.
2. It is not intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law, except as stated. However, wherever this Chapter imposes greater restrictions, the provisions of this chapter shall govern.
3. All other ordinances or parts of the Code of the Town of Waterford inconsistent or conflicting with this Chapter, to the extent of the inconsistency only, are repealed.
4. Any and all ordinances, existing immediately before the passage of this re-codification, and not amended or repealed by this enactment, are still in effect and continue to be so even if incorporated in this re-codification.

**(14) CHAPTER 14**

**TOWN PARK**

14.01 Purpose

14.02 Definitions

14.03 Hours

14.04 Reservation of Park Facilities

14.05 Additional Concerns & Conditions

14.06 Unreasonable Noise Prohibited



14.01 PURPOSE. The purpose of this chapter shall be to set forth regulations governing the conduct of persons and use of properties designated as parks within the Town of Waterford, to control and regulate traffic and maintain general order in town parks, and to further the safety, health, comfort and welfare of all persons using town parks.

#### 14.02 DEFINITIONS.

1. The term “park” or “town park” as used herein shall include the grounds, improvements, equipment, buildings, waters and any other property or appurtenance which is or may hereafter be under the control of the Town of Waterford and which has been designated as, accepted by or used for park or recreational purposes.
2. Resident is defined as any person living in the Town of Waterford.
3. The word “gun” shall include, but not limited to, rifle, shotgun, handgun, air gun or paint ball gun.

#### 14.03 HOURS.

1. All town parks shall be closed at Sunset for all uses, including picnics, parties and social gatherings, and shall remain closed until sunrise the following morning. No person shall enter or remain in any town park after closing hours.

2. Notwithstanding the general prohibition set forth in sub-section 14.03 (1) the Town Board, may from time to time, permit use of parks and park facilities after normal closing hours provided that a request is made of the Town Board by a bona-fide club and presented at a town board meeting.

#### 14.04 Reservation of park Facilities.

1. Park facilities, including shelter areas and athletic fields, may be reserved by any person, group, party or social gathering by filing an application with the Town Clerk. The Town Clerk shall maintain a roster of such applications and reservations shall be granted on a first come, first serve basis.
2. Organizations holding full year reservations of a particular athletic field or fields in any given year will have first right of refusal for reservations of the same athletic field(s) if a written request is submitted prior to the park committee or its designee by February 1<sup>st</sup> of the succeeding year. Requests for full season reservations received after January 31<sup>st</sup> shall be granted on a first come, first serve basis.
3. The application for reservation of any park facilities shall designate one or more persons who shall be responsible for the conduct of the persons attending the party or function, and who shall be personally liable to the town for any damage to the town property caused by any member of the party or group.
4. The reservation fee is set by the Town Board. The Town Clerk shall hold such funds until after the party or event has concluded, and shall deduct therefrom the actual costs or expenses incurred by the town for clean-up of the site or damage to the site by the party or group as determined by the Dept. of Public Works or its designee. In the event the party or group has caused no damage to any town property, the deposit shall be remitted to the depositor within a reasonable period of time after the conclusion of the event. The deposit of sums with the Town Clerk shall not limit the liability of the responsible party.

#### 14.05 ADDITIONAL CONCERNS & CONDITIONS.

1. No person shall leave or deposit on town property any paper, litter, garbage or similar refuse except in appropriately marked receptacle containers.

2. No person shall be allowed to transport or consume any alcoholic beverages at any town parks.

3. No glass containers of any type are allowed at any town park.

4. No parking is permitted on any grass area.

5. No person shall deposit, dump, throw, or place any earth, rubbish, dust, manure, paper, garbage, or other refuse matter or any sand, stone, lumber or building material, or any substance in the waters, grounds or roadway of any park or parkway without the written permission of the park committee or its designee.

14.06 UNREASONABLE NOISE PROHIBITED.

1. No auto radio, portable radio, television, band instrument or musical device shall be operated in any town park at such volume as to unreasonably interfere with the use and enjoyment of the park facilities by other users of the park and neighboring property owners.

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